





Engraved by W. Skelton.

Daniel De Foe

Published by John Stockdale, Piccadilly. 1780.

THE
H I S T O R Y
OF THE
U N I O N

BETWEEN

England and Scotland,

WITH

A COLLECTION OF ORIGINAL PAPERS RELATING THERETO.

By DANIEL DE FOE.

WITH

AN INTRODUCTION,

IN WHICH THE CONSEQUENCES AND PROBABILITY OF A LIKE UNION BETWEEN THIS COUNTRY
AND IRELAND ARE CONSIDERED.

To which is prefixed,

A LIFE OF DANIEL DE FOE,

By GEORGE CHALMERS, F.R.S. S.A.

LONDON:
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1786.

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T H E

L I F E of De F O E.

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IT is lamented by those who labour the fields of British biography, that after being entangled in briars they are too often rewarded with the scanty products of barrenness. The lives of literary men are generally passed in the obscurities of the cloister, which conceal even from friendly inquiries the artifices of study, whereby each may have risen to eminence. And during the same moment that the diligent biographer sets out to ask for information, with regard to the modes of life, or peculiarity of character belonging to writers who have amused, or instructed their country, the house-keeper, the daughter, or grand-child, that knew family traditions, drop into the grave.

1128
These reflections naturally arose from my inquiries into the life of the Author of THE HISTORY OF THE UNION OF GREAT BRITAIN. Whether he was born on the neighbouring continent, or in this island, in London, or the country, is equally uncertain. And whether his name was Foy, or De Foe, is somewhat doubtful. Like Swift, he had perhaps reasons for concealing what would have added little to his consequence. And, as of Butler, nothing more can be certainly told in this respect, than that, in whatever opulence he may have lived, he left little behind him.

135
If however we may credit the Gazette, Daniel Foe, or De Foe, as he is said by his enemies to have called himself, that he might not be thought an Englishman, was born in London *, about the year 1663. His family were probably dissenters†, among whom he received no unlettered education; at least it is plain,

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* It is at length discovered, by searching *The Chamberlain's* books, that our Author was the son of James Foe, of the parish of Cripplegate, London, Citizen and Butcher; who was himself the son of Daniel Foe, of Elton, in the county of Northampton, Yeoman. Daniel Foe, the son of James, who obtained his freedom by serving his apprenticeship with John Levit, Citizen and Butcher, was admitted to his Freedom by birth, on the 26th of January, 1687-8.

† In his Preface to "*More Reformation*," De Foe complains, That some dissenters had reproached him, as if he had said, "that the gallows and the galleys ought to be the penalty of going to the conventicle; forgetting, that I must design to have my father, my wife, six innocent children, and myself, put into the same condition." To such dissenters, I can only regret, says he, "That when I had drawn the picture, I did not, like the Dutchman with his man and bear, write under them, —*This is the man; and this is the bear.*" De Foe expressly admit, that he was a DISSENTER, though no independent, fifth monarchy man, or leveller. [De F. Works, edit. 1703. p. 326—448.]

from his various writings, that he was a zealous defender of their principles, and a strenuous supporter of their politics, before the liberality of our rulers in church and state had freed this conduct from danger. He merits the praise due to sincerity in his manner of thinking, as well as to uniformity in his habits of acting, whatever obloquy may have been cast on his name, by attributing writings to him, which he was studious to disavow.

Wherever our Author was educated, he wrote, when he was not yet twenty, a pamphlet in 1683, against a very prevailing sentiment in favour of the Turkey, but in opposition to the House of Austria: and before he was three-and-twenty he appeared in arms for the Duke of Monmouth. Of this exploit he boasts in his latter years, when it was no longer dangerous to avow his participation in this imprudent enterprise, with greater men of similar principles.

Having escaped from the dangers of battle, and from the fangs of Jefferies, he found security in the more gainful pursuits of peace. Yet, he was prompted by his zeal to mingle in the controversies of the reign of James II. whom he boldly opposed, by warning the dissenters of the secret danger of the insidious toleration, which was offered by that monarch's bigotry.

When our Author republished his writings, he did not think proper to preserve his tract against the Turks any more than his pamphlet against the King.

From 1685 to 1695, he acted as a hofe factor in Freeman's Yard, Cornhill: but the hofier and the poet are very irreconcilable characters. With the usual imprudence of superior genius, he was carried by his vivacity into companies, who were gratified by his wit. He spent those hours in the hilarity of the tavern, which he ought to have employed in the calculations of the counting-house: and being obliged to abscond from his creditors, in 1694, he attributed those misfortunes to the war, which were doubtless owing to his own misconduct. He afterwards carried on the brick and pan-tile works near Tilbury Fort; though probably with no success. He was in after-times wittily reproached, *that he did not, like the Egyptians, require bricks without straw, but, like the Jews, required bricks without paying his labourers.* He was born for other enterprises, which, if they did not gain him wealth, have conferred a renown, that will descend the current of time with the language wherein his works are written.

While he was yet under thirty, and had mortified no great man by his satire, or offended any party by his pamphlets, he had acquired friends by his powers of pleasing, who did not, with the usual instability of friendships, desert him amidst his distresses. They offered to settle him as a factor at Cadiz, where he had had some previous correspondence. In this situation he might have procured business by his attention, and accumulated wealth without a risque: but, as he assures us in his old-age, *Providence, which had other work for him to do, placed a secret aversion in his mind to quitting England.* He had confidence
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enough in his own talents to think, that on this field he could gather laurels, or at least gain a livelihood.

In a *projecting age*, as our Author denominates the reign of King William, he was himself a projector. While he was yet young, De Foe was prompted by a vigorous mind to think of many schemes, and to offer what was most pleasing to the ruling powers, *ways and means* for carrying on the war. He wrote, as he says, *many sheets about the coin*; he proposed a register for seamen, *long before the act of Parliament was thought of*; he projected *county banks and factories for goods*; he mentioned a *proposal for a commission of inquiries into bankrupt estates*; he contrived a *pension office for the relief of the poor*. It is always curious to trace a thought, in order to see where it first originated, and how it was afterwards expanded. *Projectors*, says our Author, *are to be generally taken with an allowance of one half at least*. However his proposals were taken, certain it is, that when he ceased to be a *boffer*, he was, without solicitation, appointed *accountant* to the commissioners for managing the duties on glafs.

It is an observation of experience, how impossible it is to propose a tax that has not been offered before. In the present moment, one of the *ways and means* of De Foe is surely remarkable: — “Land and trade”*, says he, “have been handled roughly enough. *The retailers* are the men who seem to call on us to be taxed; if not by their own extraordinary good circumstances, though that might bear it, yet, by the contrary in all other degrees in the kingdom. Besides, the retailers are the men, who could pay it with least damage; because it is in their power to levy it again upon their customers in the prices of their goods; and is no more than paying a higher rent for their shops.” Thus, as a place-man, thought our Author. It was reserved for the iron age of finance to see his proposal adopted, after various attempts and rejections, by a necessity, which, when real, justifies the measure that cannot be avoided.

From projects of *ways and means*, De Foe’s ardour soon carried him into the thorny ways of satiric poetry; and his muse produced, in 1701, *The True-born Englishman*. Of the origin of this satire, which was the future cause of some good fortune, but of many disasters, he gives himself the following account: — “During this time came out an abhorred pamphlet, in very ill verse, written by one Mr. Tutchin, and called *The Foreigners*: in which the Author, who he was I then knew not, fell personally upon the King, then upon the Dutch nation, and, after having reproached his Majesty with crimes that his worst enemies could not think of without horror, he sums up all in the odious name of FOREIGNER. This filled me with a kind of rage against the book, and gave birth to a trifle, which I never could hope should have met with so general an acceptance.” The sale was prodigious, and probably unexampled; as Sacheverel’s Trial had not yet appeared. He who is curious to see a spe-

* Essay on Projects, in 1702, which had been written several years before.

cimen of a satire, which then so much attracted the attention of the English world, may be gratified by the following passage, wherein he endeavours thus to account for—

“ What makes this discontented land appear
 Less happy now in times of peace, than war ;
 Why civil feuds disturb the nation more,
 Than all our bloody wars had done before :
 Fools out of favour grudge at knaves in place,
 And men are always honest in disgrace :
 The court preferments make men knaves in course,
 But they, who would be in them, would be worse.
 ’Tis not at foreigners that we repine,
 Would foreigners their perquisites resign :
 The grand contention’s plainly to be seen,
 To get some men put out, and some put in.”

Our Author’s moral is, however, something better :—

“ Then let us boast of ancestors no more,
 Or deeds of heroes done in days of yore :
 For fame of families is all a cheat,
’Tis personal virtue only makes us great.”

For this defence of King William and the Dutch, De Foe was amply rewarded. “ How this poem was the occasion,” says he, “ of my being known to his Majesty ; how I was afterwards received by him ; how employed ; and how, above my capacity of deserving, rewarded, is no part of the present case.” Of the particulars, which the Author thus declined to tell, nothing now can be told. It is only certain, that for the royal favours De Foe was always grateful.

When “ the pen and ink war was raised against a standing army,” subsequent to the peace of Ryswick, our Author published AN ARGUMENT to prove that a standing army, with consent of Parliament, is not inconsistent with a free government. “ Liberty and property,” says he, “ are the glorious attributes of the English nation ; and the dearer they are to us, the less danger we are in of losing them : but I could never yet see it proved, that the danger of losing them by a small army was such, as we should expose ourselves to all the world for it. Some people talk so big of our strength, that they think England able to defend itself against all the world. How these gentlemen will do that with our militia, I should be glad to see proposed. It is not the King of England alone, but the sword of England in the hand of the King, that gives laws of peace and war now to Europe : and those who would thus wrest the sword out

of his hand in time of peace, bid the fairest of all men in the world to renew the war." Our Author brings the question to a narrow compass: "First, I distinguish between a great army and a small army: secondly, I distinguish between an army kept on foot without the consent of Parliament, and an army with consent of Parliament." He, who is desirous of reading this treatise on an interesting topic, will meet with great strength of argument, conveyed in very elegant language.

When the nation flamed with faction, and the men of Kent desired *The Commons* "to mind the public more, and their private heats less, De Foe published, in 1701, *The Original Power of the collective Body of the People of England examined and asserted*. This timely treatise he dedicated to King William, in a dignified strain of nervous eloquence. "It is not the least of the extraordinary of your Majesty's character," says he, "that, as you are King of your people, so you are the people's King. This title, as it is the most glorious, so is it the most indisputable in the world." To the Lords and Commons he addresses himself in a similar tone: The vindication of the original right of all men to the government of themselves, he tells them, is so far from being a derogation from, that it is a confirmation of your legal authority. And he concludes by declaring his intention is neither for, nor against either person or party: "As there is but one interest in the nation," says he, "I wish there were but one party, and that party would adhere to unbiassed justice, and pursue the honour and interest of England." Every lover of liberty must be pleased with the perusal of a treatise, which vies with Mr. Locke's famous tract in powers of reasoning, and is superior to it in suavity of style.

At a time when "union and charity, the one relating to our civil, and the other to our religious concerns, were strangers in the land," De Foe published, in 1701, *The Freeholders Plea against Stockjobbing Elections of Parliament Men*. This is certainly a very persuasive performance, though, doubtless, many voters were then influenced by arguments still more persuasive. "It is very rational to suppose," says our Author, "that they who will buy will sell; or, what seems more rational, they who have bought must sell. For this seems to be a plain consequence, That he who makes use of any clandestine method to get into the House of Commons, must have some clandestine designs to carry on when he is there." After all, he concludes, that whoever foment the divisions of the nation, put their hands to the nation's ruin: and he therefore recommends it to every honest English man to study peace, and to pursue it by all proper methods, as nothing can make us formidable to our neighbours, and maintain the reputation of our nation, but union among ourselves.

How much soever King William may have been pleased with *The True-born Englishman*, he was most probably little gratified by our Author's *Reasons against a War with France*. This argument, showing that the French King's owning
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the Prince of Wales as King of England is no sufficient ground of a war, is one of the finest, because it is one of the most useful, tracts in the English language. After remarking *the universal cry of the people for war*, our Author declares he is not against war with France, provided it be on justifiable grounds; but, he hopes, England will never be so inconsiderable a nation, as to make use of dishonest pretences to bring to pass any of her designs: and he wishes, that he, who desires we should *end the war honourably*, ought to desire also, that we *begin it fairly*. — “Natural antipathies”, continues he, “are no just grounds of a war between nations: nor popular opinions. Nor is every invasion of right a good reason for a war; at least till redress has been demanded in a peaceable way. If a war be necessary, it is just; and if so, why should we be afraid of it. If it be not so, we ought not to make constructive breaches, and personal affronts, the pretence of it. The French are not so inconsiderable in power, that we should be fond of a war without reason; nor we so inconsiderable, as we need be afraid of an honourable war. A war, which must cost the blood of our countrymen, and the treasure of the inhabitants, is not a thing of so little consequence, as may be undertaken upon slight occasions; nor yet of so great consequence, that we should be afraid to enter upon it with just reasons. But if we must have a war”, our Author hoped, “it might be wholly on the defensive in Flanders, in order to carry on hostilities in remote places, where the damage may be greater, by wounding the Spaniard in some weaker and more sensible part; so as upon a peace he shall be glad to quit Flanders for an equivalent”. Who at present does not wish, that De Foe’s able argument had been more studiously read, and more efficaciously admitted.

A scene of sorrow soon after opened, which probably embittered our Author’s future life. The death of King William deprived him of a protector, who, as he flattered himself amidst his later distresses, would never have suffered him to be treated as he had been in the world. Of that monarch’s memory, he says, that he never patiently heard it abused, nor ever could do so: and in this gratitude to a royal benefactor there is surely much to praise and nothing to blame.

In the midst of that furious contest of party, civil and religious, which ensued on the accession of Queen Anne, our Author was no unconcerned spectator. He republished his *Enquiry into the Occasional Conformity of Dissenters*, which had been published without effect three years before. He reprobates, with the unforbearance of the times, “this salt and loose game of religion;” for which he had never met with any considerable excuse but this, “that this is no conformity in point of religion, but done as a civil reason.” He soon after published another *Enquiry*, in order to shew, *that the dissenters are no ways concerned in occasional conformity*. The controversy, which in the 11. days occasioned such vehement contests between the two Houses of Parliament, is probably silenced for ever; but De Foe opens this tract with a sentiment which ought never to be forgotten:

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"He, that opposes his own judgment against the current of the times, ought to be backed with unanswerable truths; and he, that has that truth on his side, is a fool, as well as a coward, if he is afraid to own it, because of the multitude of other men's opinions. 'Tis hard for a man to say, all the world is mistaken but himself; but if it be so, who can help it?"

"During the first fury of high-flying," says he, "I fell a sacrifice for writing against the madness of that high party and in the service of the dissenters." He alludes here to *The shortest Way with the Dissenters*; which he published towards the end of the year 1702; and which is a piece of exquisite irony, though there are certainly passages in it, that might have shewn considerate men, how much the Author had been in jest. He complains how hard it was, *that this should not have been perceived by all the town, and that not one man can see it, either churchman or dissenter*. This is one of the strongest proofs, how much the minds of men were inflamed against each other, and how little the virtues of mutual forbearance and personal kindness existed amid the clamour of contradiction, which then smook the kingdom, and gave rise to some of the most remarkable events in our annals.

During the previous twenty years of his life, De Foe had busied himself unconsciously in charging a mine, which now blew himself and family into air. He had fought for Monmouth; he had opposed King James; he had vindicated *The Revolution*; he had panegyricized King William; he had defended the rights of the collective body of the people; he had displeased *the Treasurer* and *the General*, by objecting to the Flanders war; he had bantered Sir Edward Seymour and Sir Christopher Musgrave, the Tory-leaders of the Commons; he had just ridiculed all the high-flyers in the kingdom: and he was obliged to seek for shelter from the indignation of persons and parties, thus overpowering and resistless.

A proclamation was issued, in January, 1702-3*, offering a reward of fifty pounds for discovering his retreat. He was described † by the Gazette—"as a middle-sized spare man, about forty years old, of a brown complexion and dark-

* He who is desirous of reading the proclamation, may be gratified by the following copy:

St. James's, Jan. 10, 1702-3.

Whereas Daniel De Foe, *alias* De Fooe, is charged with writing a scandalous and seditious pamphlet, entitled, "The shortest Way with the Dissenters:" he is a middle-sized spare man, about 40 years old, of a brown complexion, and dark-brown coloured hair, but wears a wig, a hooked nose, a sharp chin, grey eyes, and a large mole near his mouth, was born in London, and for many years was a hose-facto^r, in Freeman's-yard, in Cornhill, and now is owner of the brick and pantile works near Tilbury Fort, in Essex: whoever shall discover the said Daniel De Foe, to one of her Majesty's Principal Secretaries of State, or any of her Majesty's Justices of Peace, so as he may be apprehended, shall have a reward of £50, which her Majesty has ordered immediately to be paid upon such discovery.

Lon. Gaz. No. 5899.

† We may presume, that when the picture of De Foe was drawn, from which the print annexed to THIS WORK was engraved, he had grown with years bulkier in his person, and feller in the face.

brown

brown hair, though he wears a wig, having a hook nose, a sharp chin, grey eyes, and a large mole near his mouth."

He soon published *An Explanation*; though he "wonders to find there should be any occasion for it." "But since ignorance," says he, "has led most men to a censure of the book, and some people are like to come under the displeasure of the Government for it; in justice to those who are in danger to suffer by it; in submission to the Parliament and Council who may be offended at it; and courtesie to all mistaken people, who, it seems, have not penetrated into the real design; the Author presents the world with the genuine meaning of the paper, which he hopes may allay the anger of Government, or at least satisfy the minds of such as imagine a design to inflame and divide us:" and protesting the honesty of his purpose, he resolved, if the people now in trouble might be excused, to throw himself upon the favour of Government, rather than others should be ruined for his mistakes. Neither his submissiveness to the ruling powers, nor his generosity with regard to his printers, was a sufficient shield from the resentment of his enemies. He was found guilty of a libel, sentenced to the pillory, and adjudged to be fined and imprisoned.

When by these means, immured in *Newgate*, our author consoled himself with the animating reflection, that having meant well he unjustly suffered. He had a mind too active to be idle in the solitude of a prison, which is seldom invaded by visitors. And he wrote a hymn to the pillory, that—

Hieroglyphick state machin,
Contrived to punish fancy in.

In this ode the reader will find satire, pointed by his sufferings, generous sentiments, arising from his situation, and an unexpected flow of easy verse. For example:

The first intent of laws
Was to correct the effect, and check the cause;
And all the ends of punishment
Were only future mischiefs to prevent:
But justice is inverted, when
Those engines of the law,
Instead of pinching vicious men,
Keep honest ones in awe;
Thy business is, as all men know,
To punish villains, not to make men so.

He employed this involuntary leisure in correcting for the press a collection of his writings, which, *with several things he had no hand in*, had been already printed by a piratical printer. He thought it a most unaccountable boldness in him to print that particular book called *The shortest Way with the Dissenters*, while he lay under the public resentment for the same fact. "And though,"

continued he, "the Government indeed may punish one criminal, and let another go free ; yet, it seems a little hard, that I should suffer for printing a book, and another print it in the face of the Government to get money by it." In this collection of 1703 there are one and twenty treatises in poetry and prose, beginning with *The True-born Englishman*, and ending with *The Shortest Way to Peace and Union*.

While thus confined and thus occupied, our Author "made no reflections on the treatment he met with from the people he suffered for, or how he was abandoned, even in his sufferings, at the same time that they acknowledged the service it had been to their cause." With all his acuteness of understanding and knowledge of life, De Foe did not advert, that a party never protects the person, who does not go all lengths with party. Addison and Steele knew how to use this secret better.

While, as our Author tells, he lay friendless and distressed in the prison of Newgate, his family ruined, and himself without hopes of deliverance, a message was brought him from a person of honour, whom till that time he had not the least knowledge of. This was no less a person than Sir Robert Harley, the Speaker of the House of Commons, who was soon made Secretary of State, and who afterwards became Lord Treasurer and Earl of Oxford. Harley approved probably of the principles and conduct of De Foe, and doubtless foresaw, that, during a factious age, such a genius could be converted to many uses. And he sent a verbal message to the prisoner, desiring to know what he could do for him. Our Author readily wrote the story of the blind man in the Gospel, concluding :—*Lord, that I may receive my sight.*

When the *high-flyers* were driven from the eminence which enabled them to do mischief rather than good, Harley became Secretary of State, in 1704. He had now frequent opportunities of representing the unmerited sufferings of De Foe, to *the Queen* and to *the Treasurer*. Yet, our Author continued four months longer in gaol. The Queen, however, inquired into his circumstances, and Lord Godolphin sent, as he thankfully acknowledges, a considerable sum to his wife and family, and to him money to pay his fine and the expence of his discharge. Here is the foundation, says he, on which he built his first sense of duty to the Queen, and the indelible bond of gratitude to his *first benefactor*. Gratitude and fidelity are inseparable from an honest man. "Let any one say then," he asks, "what I could have done less, or more, than I have done for such a Queen and such a benefactor?" All this he manfully avowed to the world*, when Queen Anne lay lifeless and cold as King William, his first patron, and when Oxford, in the vicissitude of party, had been persecuted by faction, and overpowered, though not conquered, by violence.

* By his Appeal, in 1715.

To be relieved from gaol, must have been a circumstance sufficiently pleasing : but, to be employed by such ministers, to be approved of, and rewarded, and employed again, while his old enemies the *high-flyers* were in disgrace, must have been extremely flattering to a mind at once ardent and grateful. That he was engaged in several honourable, though secret services, by the interposition of his first benefactor ; that he was sent *abroad*, and ran personal risques equal to those of a grenadier on the counterſcarp, he himself assures us : but of the business, which our Author did not think fit to explain, no knowledge can now be gained from the silence of the grave.

He found leisure, however, to publish, in 1705, *A Second Volume of the Writings of the Author of the True-born Englishman*. The same reasons which formerly induced him to *collect some loose pieces*, held good, says he, for proceeding to a second volume, “ that if I do not, somebody else will do it for me.” He laments the scandalous liberty of the press ; whereby piratic printers deprive an author of the native product of his own thought, and the purity of his own style. It was in vain, he declared, to exclaim at the villainy of these practices, while no law is left to punish them. The press, said he, is in a strait between two mischiefs : 1st. The tyranny of a licenser, which has been in all ages a method, so ill, so arbitrary, and so subjected to bribery and parties, that it amounts to shutting up the press to one side, and opening it to the other ; 2dly, The unbridled liberty of invading each other’s property ; which is the evil the press now cries for help in. As a remedy for all these, our Author proposed, 1st. That every author set his name to what he writes, or that every printer or publisher be deemed the author ; 2dly, That no man shall print another man’s copy ; or, *in English*, that no printer or bookseller *shall rob another man’s house*.

It is said, though perhaps without sufficient authority, that the vigorous remonstrances of De Foe procured *The * Act for the encouragement of learning, by vesting the copies of printed books in the authors or their assigns*. The vanity of an Administration, which affected to patronize the learned, concurring with the mutual interest of authors and booksellers, produced at length this salutary law, that our Author alone had called for without success.

De Foe’s writings, thus collected into volumes, were soon a third time printed, with the addition of a *key*. The satire being now pointed by the specification of characters, and obscurities being illuminated by the annexation of circumstances, a numerous class of readers were induced, by their zeal of party, or desire of scandal, to look for gratification from our Author’s tracts. He is studious to complain, *That his writings had been most neglected of them, who at the same time have owned them useful*. The second volume of 1705 begins with *A new Discovery of an old Intrigue*, and ends with *Royal Religion*.

This writer's fruitfulness produced, in 1706, *Jure Divino*, which had been, during some time, delayed, *for fear*, as he declares, of *parliamentary censure*. Of this poem it cannot be said, as of Thomson's *Liberty*, that *it was written to prove what no man ever denied*. This satire, says the preface, had never been published, though some of it has been a long time in being, had not the world seemed to be going mad a second time with the *error of passive obedience*, and *non-resistance*. He believes himself *in no danger of being thought a Jacobite*, whatever he was afterwards. He is rather apprehensive, that his *low-fling* should appear as if it carried him too near the quagmire of republicanism. And because some men require, says he, more explicit answers, I declare my belief, that a monarchy, according to the present constitution, limited by Parliament, and *dependent upon law*, is not only the best government in the world, but also the best for this nation in particular, most suitable to the *genius of the people*, and the *circumstances of the whole body*: A *commonwealth* can never suit a nation where there is *so illustrious a nobility* and *so numerous a gentry*; whose emulations, factions, and parties, are apt to be too turbulent for such a government.

Dryden had given an example, a few years before, of argumentative poetry in his *Hind and Panther*; by which he endeavoured to defend the tenets of the Church of Rome. Our Author now reasoned in rhyme, through *twelve books*, in defence of *every man's birth-right by nature*, when all sorts of liberty were run down and opposed. His purpose is doubtless honest than Dryden's; and his argument, being in support of *the better cause*, is perhaps superior in strength: but in *The Jure Divino* we look in vain for

The varying verse, the full-resounding line,
The long majestic march, and energy divine.

As an example, read what he says of the foundation of authority:

Society to regulation tends,
As naturally as means pursue their ends.
The wit of man could never yet invent
A way of life without a government:
Subordination is the soul of law,
And rules of life to rules of living will draw.
What need had power to prescribe the man,
Let him go on without it if he can.

In the publication of this poem, he was obliged to consider circumstances, as there are some truths which do not suit all times. He suppressed a second volume on the same subject, of which he declares, in the language of the Apostle in another case, *I have many things to say; but you cannot bear them*

now. He who reads the *Jure Divino*, will probably think, that the world sustained no very considerable loss by this previous suppression. In the tranquil freedom of the present day, when compared with the factious turbulence of the reign of Anne, we are only astonished, that an author should have been fearful of popular odium, and even of parliamentary censure, when writing in defence of *every man's birth-right*.

Our Author was soon after engaged in more important, because much more useful, business. Lord Godolphin sent him to Scotland, on an errand which, as he says, was far from being unfit for a sovereign to direct, or an honest man to perform. His knowledge of commerce and revenue, his powers of insinuation, and, above all, his readiness of pen, were deemed of no small utility, in promoting *The Union*. And we shall find him no inconsiderable actor in the performance of that greatest of all good works. He attended the committees of Parliament, for whose use he made several of the calculations * on the subject of trade and taxes. He complains †, however, that when afterwards some clamour was raised upon the inequality of the proportions, and the contrivers began to be blamed, and a little threatened a-la-mob, then it was D. F. ‡ made it all, and he was to be stoned for it. He endeavoured to confute ¶ all that was published by the popular writers in Scotland against the Union: and he had his share of danger, and, as he says, he was watched by the mob, in order to know where to find him; had his chamber windows insulted; but, by the prudence of his friends, and God's providence, he escaped ||. In the midst of this great scene of business and tumult, he collected the documents, which he afterwards published for the instruction of posterity, with regard to one of the most difficult, and, at the same time, the most fortunate transactions in our annals.

How he was rewarded for all these services, and all this risk, he does not tell; and cannot now be easily known. He already enjoyed an appointment, which had been formerly made in consideration of a special service of no small danger: yet is there reason to think, that he had a *pension* rather than an *office*, since his name is not in the *red-book* of the Queen; and he solemnly avers, in *his Appeal*, that he had not interest enough with Lord Oxford *to procure him the arrears due to him in the time of the former Ministry*. This appointment, whatever it was, he is studious to tell, he originally owed to Harley: he, however, thankfully acknowledges, that Lord Godolphin continued his favour to him

* See his History of the Union, p. 401.

† Ibid. p. 379.

‡ Daniel Foe. He had two names through life; and even when letters of administration were granted on his personal estate, some time after his death, *De Foe* is added with an *otherwise*. We might thence infer, that his father's name was *Foe*, if we had not now better evidence of the fact.

¶ Ibid. 223.

|| Ibid. 239.

after the unhappy breach that separated his first benefactor from the Minister, who for three years continued in power.

The nation, which was thus filled with combustible matter, burst into flame, the moment of that memorable separation, in 1707. In the midst of this conflagration our Author was not inactive. He waited on Harley, after he had been driven from power, who generously advised him *to continue his services to the Queen, which he supposed would have no relation to personal differences among statesmen.* Godolphin received him with equal kindness, by saying,—*I always think a man honest till I find to the contrary.* And if we may credit De Foe's assertions, in the presence of those who could have convicted him of falsehood, he for three years held no correspondence with his principal benefactor, which the great man never took ill of him.

When Godolphin was in his turn expelled, our Author in the same manner waited on the ex-minister; who obligingly said to him, *That he had the same good will, but not the same power to assist him:* and Godolphin told him, what was of more real use, *to wait till he saw things settled, and then to receive the Queen's commands from her confidential servants.* It naturally occurred to De Foe, that it was his duty to go along with every Ministry, while, as he says, they did not break in on the constitution. And who can blame a very subordinate officer, (if indeed he held an office,) who had a wife and six children to maintain with very scanty means? He was thus, says he, cast back providentially on his first benefactor, who laid his case before her Majesty, whereby he preserved his interest, without any engagement.

De Foe now lived at Newington, in comfortable circumstances, preparing some works for the press, and publishing *The Reviews*: in this situation he gave and received many wounds, during the *pen and ink war* of that contentious period. And even before the memorable change of the Ministry in 1710, he entered into a truce of honour with Mr. J. Dyer, who was engaged in similar occupations, that, however they might clash in party, they may write without personal reflections, and thus differ still, and yet preserve the Christian and the gentleman*. But between professed controvertists such a treaty could only be persevered in with Punic faith.

Our

* The following letter to Mr. J. Dyer, in Shoe-lane, who was then employed, by the leaders of the Tories, in circulating news and insinuations through the country, will shew the literary manners of those times, and convey some anecdotes, which are no where else preserved. The original letter is in the Museum, Harl. MSS. No. 7001. fol. 269.

Mr. Dyer,

I have your letter. I am rather glad to find you put it upon the trial who was aggressor, than justify a thing which I am sure you cannot approve; and in this I assure you I am far from injuring you, and refer you to the time when long since you had wrote *I was seduced from my duty*: one Cam-

Our Author found leisure at length to republish, in 1712*, a History of the Union, which, as he says, lay longer in the press than he expected; and which is now published a third time, when a similar Union has become the topic of public debate and private conversation. It seems to have been little noticed when it first appeared: for as the preface states, it had many difficulties in the way; many factions to encounter, and parties to please. The subject of this work is the completion of a measure, which was carried into effect, notwithstanding obstructions apparently insurmountable, and tumults approaching to rebellion; and which has produced the ends designed, beyond expectation, whether we consider its influence on the Government, or on the happiness of the governed. The language of this narrative, if it wants the dignity of the great historians

men being taken up for printing a libel, and I being then on a journey, nor the least charge against me for being concerned in it by any body but your letter:—also many unkind personal reflections on me in your letter, when I was in Scotland, on the affair of the Union, and I assure you when my paper had not in the least mentioned you, and those I refer to time and date for the proof of.

I mention this only in defence of my last letter, in which I said no more of it than to let you see I did not merit such treatment, and could nevertheless be content to render any service to you, tho' I thought myself hardly used.

But to state the matter fairly between you and I, *a writing for differing interests*, and so possibly coming under an unavoidable necessity of jarring in several cases: I am ready to make a fair truce of honour with you, (*viz.*) that if what either party are doing, or saying, that may clash with the party we are for and urge us to speak, it shall be done without naming either's name, and without personal reflections; and thus we may differ still, and yet preserve both the christian and the gentleman.

This I think is an offer may satisfy you. I have not been desirous of giving just offence to you, neither would I to any man, however I may differ from him; and I see no reason why I should affront a man's person, because I do not join with him in principle. I please myself with being the first proposer of so fair a treaty with you, because I believe, as you cannot deny its being very honourable, so it is not less so in coming first from me, who I believe could convince you of my having been the first and the most ill treated—for further proof of which I refer you to your letters, *at the time I was threatened by the Envoy of the King of Sweden.*

However, Mr. Dyer, this is a method which may end what is past, and prevent what is future; and it refused, the future part I am sure cannot lye at my door.

As to your letter, your proposal is so agreeable to me, that truly without it I could not have taken the thing at all; for it would have been a trouble intollerable both to you as well as me, to take your letter every post, first from you, and then send it to the post house.

Your method of sending to the black box, is just what I designed to propose, and Mr. Shaw will doubtless take it of you: if you think it needful for me to speak to him, it shall be done—what I want to know is only the charge, and that you will order it constantly to be sent, upon hearing whereof I shall send you the names—Wishing you success in all things (*your opinions of Government excepted*) I am,

Your humble servant,

De Foe.

Newington, June 17, 1710.

* The first edition was published in 1709.

of the present day, has greater sweetness; if it is not sometimes grammatical, it is always precise; and if it is thought defective in strength, it must be allowed to possess in a high degree an easy flow of entertaining periods. Considering the factiousness of the age, the Author's candour is admirable. He is at once learned and intelligent. And the minuteness with which he describes what he saw and heard on the turbulent stage, where he acted a conspicuous part, is extremely interesting to us, who wish to know what actually passed, however this circumstantiality may have disgusted contemporaneous readers. History is chiefly valuable, as it transmits a faithful copy of the *manners* and *sentiments* of every age. This narrative of De Foe is a drama, in which he introduces the highest peers and the lowest peasants, speaking and acting, according as they were each actuated by their characteristic passions; and while the man of taste is amused by his *manner*, the man of business may draw instruction from the *documents*, which are appended to the end, and interspersed in every page.

From this publication, which had alone preserved his name, had his *Crusoe* entertained us less, our Author was soon drawn to other lucubrations. To establish a peace after a glorious war, is one of the hardest tasks, which can be assigned to British Ministers, because their opponents never fail to turn the current of popular dissatisfaction on their measures, whatever they may be. The treaty of Utrecht furnishes a memorable example of this. The furious debates which ensued within the walls of Parliament and without, are sufficiently remembered. About this time, says Boyer, in May, 1713, a paper, entitled *MERCATOR, or Commerce Retrieved*, was published on Tuesdays, Thursdays, and Saturdays. This was first fathered on Arthur Moore, assisted by Doctor D' Avenant; but the latter solemnly denied it: and it soon after appeared to be the production of Daniel De Foe, an ambidextrous hireling, who for this dirty work received a large weekly allowance from the Treasury. That he wrote in *the Mercator* De Foe admits; but, he expressly denies, that "he either was *the Author* of it, had the property of it, the printing of it, the profit of it, or had the power to put any thing into it, if he would." And, by *his Appeal*, he affirms before God and the world, "that he never had any payment, or reward, for writing any part of it." Yet, that he was ready to defend those papers of the *Mercator* which were really his, if men would answer with arguments rather than abuse; though not those things, which he had never written, but for which he had received such usage. He adds, with the noble spirit of a *true-born Englishman*, "The press was open to me as well as to others; and how, or when I lost my *English liberty* of speaking my mind, I know not: neither how my speaking my opinions, *without fee or reward*, could authorize any one to call me villain, rascal, traitor, and such opprobrious names."

Of the imputed connection with his *first benefactor*, Harley, during that memorable period, our Author speaks with equal firmness at a moment when much firmness was necessary. "I solemnly protest," says he, by *his Appeal*, "in the presence of Him who shall judge us all, that I have received no instructions, orders, or directions for writing any thing, or materials from Lord Oxford, since Lord Godolphin was Treasurer, or that I have ever shewn to Lord Oxford any thing I had written, or printed." He challenges the world to prove the contrary; and he affirms, that he always capitulated for liberty to speak, according to his own judgment of things. As to consideration, pension, or reward, he declares most solemnly, that he had none, except his old appointment made him long before by Lord Godolphin. What is extremely probable, we may easily credit, without such strong asseverations. However Lord Oxford may have been gratified by the voluntary writings of De Foe, he had doubtless other persons who shared his confidence, and wrote his *Examiners*.

But De Foe published that, which, by no means, promoted Lord Oxford's views, and which therefore gained little of his favour. Our Author wrote against the peace of Utrecht, during the negotiation, because he approved of it as little as he had done the treaty at Gertruydenburgh, under very different influences, a few years before. The peace *he* was for, as he himself says, was such as should neither have given the Spanish monarchy to the House of Bourbon, nor to the House of Austria; but that this bone of contention should have been so broken to pieces, as that it should not have been dangerous to Europe, and that England and Holland should have so strengthened themselves, by sharing its commerce, as should have made them no more afraid of France, or the Emperor; and that all that we should conquer in the Spanish West-Indies should be our own. But, it is equally true, he affirms, that when the peace was established, "I thought our business was to make the best of it; and rather to inquire what improvements could be made of it, than to be continually exclaiming against those who procured it."

Unhappily for his fame, De Foe's connections with the pillory has transmitted his name with no good report to posterity. If we could divest ourselves of hereditary prejudices, and judge of him by what *he said* and *did*, we should see him rise superior, as a statesman, to the great men of both sides, who, having entangled themselves in names *, bade defiance to common sense. Our Author, as we have seen, objected before hostilities began to an offensive war in Flanders; while he advised to attack the Spaniards on their weakest side, for the sake of equivalents. During the treaty he equally suggested, to break the bone of contention, by giving the contested prize to neither the one House nor

* Such as, common cause—*à la*—House of Bourbon—Don Carlos—House of Austria—barrier in Flanders, and other portion of a similar kind, in which Great Britain had not the least interest.

the other; to strengthen ourselves by commercial advantages; and above all, to preserve for our own use whatever we might conquer in the Spanish West Indies. He manfully avowed his opinion, in 1715, when it was both disgraceful and dangerous, that the 9th article of the Treaty of Commerce was calculated for the advantage of our trade: "Let who will make it, that," says he, "is nothing to me. My reasons are, because it tied up the French to open the door to our manufactures, at a certain duty of importation *there*; and left the Parliament of Britain at liberty to shut theirs out, by as high duties as they pleased *here*; there being no limitation upon us, as to duties on French goods, but, that other nations should pay the same. While the French were thus bound, and the British free, I always thought we must be in a condition to trade to advantage, or it must be our own fault: this was my opinion, and is so *still*; and I would engage to maintain it against any man, on a publick stage, before a jury of fifty merchants, and venture my life upon the cause, if I were assured of fair play in the dispute. But, that it was my opinion, we might carry on a trade with France to our great advantage, and that we ought for that reason to trade with them *, appears in the third, fourth, fifth, and sixth volumes of *The Reviews*, above nine years before *The Mercator* was thought of."

"While I spoke of things thus," says our Author, "I bore infinite reproaches, as the defender of the peace, by pamphlets, which I had no hand in." He appears to have been silenced by noise, obloquy, and indignation: and finding himself in this manner treated, he declined writing at all, as he assures us; and for great part of a year never set pen to paper, except in *The Reviews*. "After this," continues he, "*I was a long time absent in the north of England*;" though, we may easily infer, for a very different reason than that of the famous retirement of Swift, upon the final breach between Oxford and Bolingbroke.

The place of his retreat is now known to have been Halifax, on the borders of Lancashire †. And observing here, as he himself relates, the insolence of the Jacobite party, and how they insinuated the Pretender's rights into the common

* The 8th article of the Commercial Treaty, which our Author here alludes to, and which was then received with so much indignation, amounted to this, and no more: That British subjects shall enjoy in France all the commercial privileges, which the most favoured nations enjoy; and that French subjects shall enjoy the same in Britain. It would be affronting to the people of this country, considering their capitals, their skill, and their industry, to suppose that such a stipulation would not be extremely desirable with every State, because it would be the *most beneficial*. The desire of *greater privileges* than the *most favoured* nation, was always absurd, and has become at length exploded; because such a treaty creates an *interest* to prevent a steady fulfilment of it.

† The late History of Halifax relates, That Daniel De Foe, being forced to abscond on account of his political writings, resided at Halifax, in the Back-lane, at the sign of the Rose and Crown; being known to Doctor Nettleton, the physician, and to the Rev. Mr. Prigilly, minister of a dissenting congregation there. Mr. Watson is mistaken when he supposes that De Foe wrote his *Jure Divino* here, which had been published previously, in 1706; though he may have sketched, on this occasion, his *Robinson Crusoe*.

people, "I set pen to paper again, by writing *A Seasonable Caution*: and to open the eyes of the poor ignorant country people, I gave away this all over the kingdom, as gain was not intended." With the same laudable purpose he wrote two other pamphlets; the first, *What if the Pretender should come*; the second, *Reasons against the Succession of the House of Hanover*. "Nothing could be more plain," says he, "than that the titles of these were *amusements**, in order to put the books into the hands of those people, who had been deluded by the Jacobites." These petty volumes were so much approved by the zealous friends of the Protestant succession, that they were diligent to disperse them through the most distant counties. And De Foe protests, that had the Elector of Hanover given him a thousand pounds, he could not have served him more effectually, than by writing these three treatises.

The reader will learn with surprise and indignation, that for writing these tracts De Foe was arrested, obliged to give *eight hundred pounds* bail, contrary to the Bill of Rights, and prosecuted by information, during Trinity term 1713. He attributes this prosecution to the malice of his enemies, who were numerous and powerful. *No inconsiderable people* were heard to say, that they knew the books were against the Pretender, but that De Foe had disoblged them in other things, and they resolved to take this advantage to punish him. This story is the more credible, as he had procured good evidence to prove *the fact*, had the trial come on. He was prompted by consciousness of innocence *to defend himself in print*, pending the prosecution; which offended the judges, who seem to have been somewhat infected with the violent spirit of the times. But, it was happy for our author, that his *first benefactor* was still in power, who procured him the Queen's pardon, in December 1713. This act of liberal justice was produced by the party-writers† of those *black and bitter days*, as an additional proof of Lord Oxford's attachment to the abdicated family; while De Foe was said to be convicted of absolute Jacobitism, contrary to the tenor of his life, and the purpose of his writings. He himself said sarcastically, that they might as well have made him a *Mahometan*. On his tomb-stone it might have been engraved, That he was the first Englishman, who had been obliged to ask a royal pardon, for writing in favour of the Hanover succession.

"No sooner was the Queen dead," says he, "and the King, as right required, proclaimed, but the rage of men increased upon me to that degree, that the threats and insults were such as I am unable to express. Though I have written nothing since the Queen's death; yet, a great many things are called

* The pamphlets mentioned in the text, were filled with palpable banter. He recommends the Pretender, by saying, That *the Prince would confer on every one the privilege of wearing wooden shoes*, and at the same time *ease the nobility and gentry of the hazard and expence of winter journeys to Parliament*.

† See Boyer's Political State, &c.

by my name, and I bear the answerers insults. I have not seen or spoken with the Earl of Oxford," continues he, "since the King's landing, but once; yet, he bears the reproach of my writing for him, and I the rage of men for doing it." He appears indeed to have been, at that noisy period, stunned by factious clamour, and overborne, though not subdued, by unmerited obloquy. He probably lost his original appointment, when his first benefactor was finally expelled. Instead of meeting with reward for his zealous services in support of the Protestant succession, he was on the accession of George I. discountenanced by those who had derived a benefit from his pen. And of Addison, who was now exalted into office, and enjoyed literary patronage, our Author had said, in his *Double Welcome to the Duke of Marlborough*—

Mæcenæ has his modern fancy strung,
And fixed his pension first, or he had never sung.

While thus insulted by enemies, and discountenanced by power, our Author published his *Appeal to Honour and Justice*, in 1715; being a true Account of his Conduct in public Affairs. As a motive for this intrepid measure, he affectingly says, That, "by the hints of mortality and the infirmities of a life of sorrow and fatigue, I have reason to think, that I am very near to the great ocean of eternity, and the time may not be long ere I embark on the last voyage: wherefore, I think I should *even accounts* with this world before I go, that no scandals may lye against my heirs, to disturb them in the peaceable possession of their father's inheritance, his character." It is a circumstance perhaps unexampled in the life of any other writer, that before he could finish his Appeal, he was struck with an apoplexy. After languishing more than six weeks, neither able to go on, nor likely to recover, his friends thought fit to delay the publication no longer. "It is the opinion of most who know him," says Baker, the publisher, "that the treatment which he here complains of, and others of which he would have spoken, have been the cause of this disaster." When the ardent mind of De l'oe reflected on what he had done, and what he had suffered, how he had been rewarded and persecuted, his aged heart melted in despair. Whoever reads his *Appeal* will meet with passages of great vigour, and paragraphs of equal weakness. His spirit, like a candle struggling in the socket, blazed and sunk, and blazed and sunk, till it disappeared at length in darkness.

While his strength remained, he expostulated with his adversaries, in the following terms of great manliness, and instructive intelligence:—"It has been the disaster of all parties in this nation, to be very hot in their turn, and as often as they have been so, I have differed with them all, and ever must, and shall do so. I'll repeat some of the occasions on the Whig side, because from that quarter the accusation of my turning about comes.

"The first time I had the misfortune to differ with my friends, was about the year 1683, when the Turks were besieging Vienna, and the Whigs in England,

generally speaking, were for the Turks taking it; which I, having read the history of the crucky and perfidious dealings of the Turks in their wars, and how they had rooted out the name of the Christian religion in above threescore and ten kingdoms, could by no means agree with; and though then but a young man, and a younger author, I opposed it, and wrote against it; which was taken very unkindly indeed.

“ *The next time* I differed with my friends, was when King James was wheedling the Dissenters to take off the penal laws and test, which I could by no means come into. And as in the first I used to say, I had rather the Popish House of Austria should ruin the Protestants in Hungaria, than the Infidel House of Ottoman should ruin both Protestant and Papist, by overrunning Germany; so in the other, I told the Dissenters, I had rather the Church of England should pull our clothes off, by fines and forfeitures, than the Papists should fall both upon the Church and the Dissenters, and pull our skins off, by fire and faggot.

“ *The next difference* I had with good men, was about the scandalous practice of occasional conformity, in which I had the misfortune to make many honest men angry, rather because I had the better of the argument, than because they disliked what I said.

“ And now I have lived to see the Dissenters themselves very quiet, if not very well pleased with an act of Parliament to prevent it. Their friends indeed laid it on; they would be friends indeed, if they would talk of taking it off again.

“ *Again*, I had a breach with honest men for their male-treating King William; of which I say nothing: because, I think, they are now opening their eyes, and making what amends they can to his memory.

“ *The fifth difference* I had with them, was about the treaty of partition, in which many honest men were mistaken, and in which I told them plainly then, that they would at last end the war upon worse terms; and so it is my opinion they would have done, though the treaty of Gertruydenburgh had taken place.

“ *The sixth time* I differed with them, was when the old Whigs fell out with the modern Whigs; and when the Duke of Marlborough and my Lord Godolphin were used by the Observator in a manner worse, I confess, for the time it lasted, than ever they were used since: nay, though it were by Abel and the Examiner: but the success failed. In this dispute my Lord Godolphin did me the honour to tell me, I had served him and his Grace also, both faithfully and successfully. But his Lordship is dead, and I have now no testimony of it, but what is to be found in the Observator, where I am plentifully abused for being an enemy to my country, by acting in the interest of my Lord Godolphin and the Duke of Marlborough. What weathercock can turn with such tempers as these!

“ *I am*

“ I am now in the seventh breach with them, and my crime now is, that I will not believe and say the same things of the Queen, and the late Treasurer, which I could not believe before of my Lord Godolphin and the Duke of Marlborough, and which in truth I cannot believe, and therefore could not say it of either of them; and which, if I had believed, yet I ought not to have been the man that should have said it, for the reasons aforesaid.

“ In such turns of tempers and times a man must have been ten-fold a Vicar of Bray, or it is impossible but he must one time or other be out with every body. This is my present condition, and for this I am reviled with having abandoned my principles, turned Jacobite, and what not: God judge between me and these men! Would they come to any particulars with me, what real guilt I may have, I would freely acknowledge; and if they would produce any evidence, of the bribes, the pensions, and the rewards I have taken, I would declare honestly, whether they were true or no. If they would give a list of the books which they charge me with, and the reasons why they lay them at my door, I would acknowledge any mistake; own what I have done; and let them know what I have not done. But these men neither shew mercy, nor leave room for repentance, in which they act not only unlike their Maker, but contrary to his express commands *.”

With the same independence of spirit, but with greater modesty of manner, our Author openly disapproved of the intemperance, which was adopted by Government, in 1714, contrary to the original purpose of George I. “ It is and ever was my opinion,” says De Foe, in *his Appeal*, “ that moderation is the only virtue by which the tranquillity of this nation can be preserved; and even the King himself (I believe his Majesty will allow me that freedom) can only be happy in the enjoyment of the crown, by a moderate administration: if he should be obliged, contrary to his known disposition, to join with intemperate councils, if it does not lessen his security, I am persuaded, it will lessen his satisfaction. To attain at the happy calm, which is the consideration that should move us all, (and he would merit to be called the nation’s physician, who could prescribe the specific for it,) I think I may be allowed to say: *a conquest of parties*.

* The most solemn asseverations, and the most unanswerable arguments of our Author, were not, after all, believed. When Mr. Charles King republished, a few years afterwards, *The British Merchant*, he without a scruple attributed *The Mercator* to a hireling writer of a weekly paper called *The Review*. And Anderson, at a still later period, goes further in his *Chronology of Commerce*, and names De Foe, as *the hireling* writer of *The Mercator* and other papers in favour of the French treaty of trade. We can now judge with the impartiality of arbitrators: on the one hand, there are the death-bed declaration and living challenge of De Foe; on the other, the mere surmise and unauthorized assertion of King, Anderson, and others. It is surely time to free ourselves from prejudices of every kind, and to disregard the sound of names as much as the falsehoods of party.

will never do it ; a balance of parties may." Such was the political testament of De Foe ; which, it had been happy for Britain, had it been as faithfully executed, as it was wisely made.

The year 1715 may be regarded as the period of our Author's political life. Faction henceforth found other advocates, and parties procured other writers to disseminate their suggestions, or to propagate their falsehoods. De Foe now lived, discountenanced and distressed, at Newington, and comforted only by a wife, whom he loved, and by six children, whom he had taken great pains to educate. In this retirement he is supposed to have written the well-known *Life and surprising Adventures of Robinson Crusoe*; the first part of which was published in 1719, and the second before the end of the year. The reception of it was popular, and the sale was great : for the story, says the preface, "was told with modesty and seriousness, and with religious application of events to the uses, to which wise men always apply them ; the instruction of others, by example, and the justification of Providence in all the different circumstances, during the sufferings of this world." The attention is fixed either by the simplicity of the narrative, or by the variety of the incidents ; the heart is amended by a *vindication of the ways of God to man*, and the understanding is informed by various instances of the superiority of the useful over the ornamental arts : the young are instructed, while the old are amused.

Robinson Crusoe had scarcely drawn his canoe ashore, when he was attacked by his old enemies, *the savages*. He was assailed first by *The Life and strange Adventures of Mr. D—— De F——, of London, hofier ; who has lived above fifty years by himself, in the kingdoms of North and South Britain*. In a dull dialogue between him, Crusoe, and his man Friday, our Author's life is here lampooned, and his misfortunes ridiculed. But he who had been struck by apoplexy, and who was now discountenanced by power, and enchained by penury, was no fit object of an Englishman's satire. Our Author declares when he was himself a writer of satiric poetry, "that he never reproached any man for his private infirmities, for having his house burnt, his ships cast away, or his family ruined ; nor had he ever lampooned any one, because he could not pay his debts, or differed in judgment from him." Pope has been justly censured for pursuing a vein of satire extremely dissimilar. And Pope placed De Foe in the same dslitch with Tutchin, in *The Dunciad*, when our Author's age and infirmities were greater and his comforts less. He was assaulted, secondly, in 1719, by *An Epistle to D—— De Foe, the reputed Author of Robinson Crusoe*. "Mr. Foe," says the letter-writer, "I have perused your pleasant story of *Robinson Crusoe* ; and if the faults of it had extended no further than the frequent solecisms, looseness, and incorrectness of style, improbabilities, and sometimes impossibilities, I had not given you the trouble of this Epistle." This critic, who renewed his angry attack, when the second volume appeared, has all the
dulness,

dulness, without the acumen, of Dennis, and all his malignity, without his intentions of reformation. *The Life of Crusoe* has passed through seventeen editions, and has been translated into other languages, while the criticism dropped into oblivion.

How De Foe employed his latter years, it is now impossible to know. If he published *The Family Instructor* and *The Plan of Commerce*, with other smaller tracts, which are attributed to him, it may be truly affirmed, that his old age was usefully spent. He died, in April 1731, within the parish of St. Giles's, Cripplegate, London, at an age, if he was born in 1663, when it was time to prepare for *his last voyage*. He left a widow, Sufannah, who did not long survive him; and six sons and daughters, whom he boasts of having educated as well as his circumstances would admit. His son Daniel is said to have emigrated to Carolina: of Benjamin, his second son, no account can be given. His daughter Sophia's beauty married her to Mr. Henry Baker, the respectable author of some valuable treatises on natural history, whose collections were sold by Pater-son, in March 1775. His daughter Maria married one Langley. But, Hannah and Henrietta probably died unmarried, since they were heiresses only of a name, which did not recommend them. De Foe probably died insolvent; for, letters of administration on his goods and chattels were granted to Mary Brooke, widow, a creditrix, in September 1733, after summoning in official form the next of kin to appear*.—Of his petty habits it is now impossible to tell more than he has thus told himself †: “God, I thank thee, I am not a drunkard, or a swearer, or a whore-master, or a busie-body, or idle, or revengeful; and though this be true, and I challenge all the world to prove the contrary, yet, I must own I see small satisfaction in all the negatives of common virtues; for though I have not been guilty of any of these vices, nor of many more, I have nothing to infer from thence, but *Te Deum laudamus*.” He says himself—

Confession will anticipate reproach,
He that reviles us then, reviles too much:
All satire ceases, when the men repent;
'Tis cruelty to lash the penitent.

It is no easy task to ascertain the value, or the titles of many of our Author's writings, if we except those which he corrected himself and published in his lifetime. His poems, whether we regard propriety of sentiment, or sweetness of numbers, may without much loss of pleasure, or profit, be resigned to those,

* The above-mentioned particulars were discovered by searching the books at Doctors Commons.

† In the preface to *his Reformation*.

who, in imitation of Pope, poach in the fields of obsolete poetry for brilliant thoughts, felicities of phrase, or for happy rhymes. De Foe's ecclesiastical pamphlets may be relinquished to the perusal of those who delight in ecclesiastical polemics. But, his tracts, political and commercial, the lovers of that liberty, which he ably defended, and the friends of that trade, which he liberally explained, must wish to see rescued from oblivion, and republished without the contamination of matter, less engaging and instructive. Dryden and his Contemporaries had brought Dedications into disgrace by the fulsomefls of their flattery and the servility of their style. The Dedications of the present day have absurdly run into the contrary extreme. But the writers, who are permitted to dedicate their works to royal patrons, ought to peruse De Foe's dedicatory epistles to King William and Queen Anne; wherein they will find dignity of sentiment and delicacy of praise, conveyed in language, at once elegant and instructive: his Dedications to *The History of the Union of England and Scotland* would alone justify this remark.

F I N I S.

T O T H E
Q U E E N.

M A D A M,

IT is the glory of your MAJESTY's reign, that all your great actions, and all your great designs, whether abroad in arms, or at home in council, have a manifest, visible, and professed tendency to the peace and UNION of all your subjects.

And, Madam, as Heaven delights in the upright desires of his creatures, when they seek to answer the end of his providence, in exalting them to their respective stations in the world; so we may without presumption infer, that the sincerity of your MAJESTY's intentions for the glory of eternal Wisdom, and the happiness of your people, tho' it may not be called the cause of our blessings, yet it may be part of the reason why we have those blessings in your reign.

How else shall we account for the just disappointments of former attempts of this kind, which GOD in his inextricable counsel has not thought fit to bless, but as was said of his own people of old, because their hearts were not right with him, neither were they steadfast in his covenant?

It was without doubt on very good grounds that your MAJESTY so often expressed your earnest desires to see this great affair of the UNION finished—The felicity of a nation united, that had been so long and so often at the greatest distance as to interest and affection, could not but recommend itself to your MAJESTY.

It would be worth their while who opposed this UNION, and still refuse to own the advantage of it, to look back upon the years of blood, and the terrible devastations these two sister nations suffered in the days of their separation; let them examine the history of the past ages, let them enquire there for the particulars of three hundred and fourteen battles, and calculate the blood of a million of the bravest men in Europe, lost in the senseless feuds of these two nations.

Let them view the spoils of the borders, not yet repaired, the monuments of the nobility slain in the field, which yet remain; let them visit the ruined castles, the demolished fortifications, the depopulated towns, the gentlemen's seats left in heaps, which yet appear—were all the inconveniences of the UNION, which the most uneasy people can suggest, to be allowed, yet, that an end is put to blood and rapine,

pine, that the sword is taken out of the hand of the spoiler, that we shall no more be cutting the throats of our brethren, is worth giving their blessing to your MAJESTY and the UNION for, and must be acknowledged to the happy period of this treaty.

Nor is this all, but whatever loss some may allege Scotland suffers in this UNION, in matters of commerce, in removing her parliaments, in lessening the conflux of her nobility and gentry to Edinburgh, in taxes, and in carrying away her people, things which time may remedy and repay her for with interest; yet this the most prejudiced man in Scotland must acknowledge they have in exchange, and which, if they know how to value it, is worth all they have paid or can pay for it; I mean Liberty in its due and best extent, religious and civil.

I doubt not, Madam, but as liberty is secured to Scotland by the UNION, so the good people of Scotland shall in time arrive to a differing taste of liberty by the same UNION, and shall learn to know how to prize it; and as they learn to value liberty more, so they will more and more bless God and your MAJESTY for the UNION, which has removed them at once from a state of bondage to their Governors, and from the petty tyranny of their own constitution, to be made one with the freest nation in the world.

Those that complain of this UNION in the little articles of commerce, and on pretence of inequalities, in which they never fail of redress in parliament, as often as they apply themselves for it, should do well to look back upon the days of cruelty and persecution, when the gaols were filled with their citizens, and the places of execution covered with the blood of their ministers, when their church was trampled under foot, and they had no liberty to worship God according to their consciences: even in the felicity of a Revolution establishment, they had no security, that these times should not return upon them; but by the UNION, they see themselves unalterably established, their church-government made a fundamental of the constitution, and the very church of England engaged to preserve it intire.

If their eyes are open, they may read their safety in the rage and desperation of their enemies, who have no room to invade them, but in rebellion against your MAJESTY; who insult the church of Scotland and your MAJESTY's authority together; and none are found daring to open their mouths against them, but those that with the same breath blaspheme your royal establishment, and wickedly worship an invading usurper.

It ought to be the comfort as it is the honour of the church of Scotland, that her safety, and your MAJESTY's authority, have the same establishment, are linked together by the indissoluble bonds of the same UNION, have the same enemies, and the same friends, and in all probability must have the same duration.

No human power can alter the establishment of the church of Scotland, but they must dissolve the UNION of the two kingdoms; and in such dissolution would of course follow the unravelling the protestant succession, and overthrowing the Revolution upon which the present constitution and your MAJESTY's royal dignity is established.

This alone, if rightly considered, would stop the complaints of all those people in Scotland, who, however they may be otherwise dissatisfied with the UNION, have yet a true value for the safety of their religion, the establishment of their church, and their deliverance from persecution.

And there is no question but in time the just reflection on these things will prevail upon men of honesty in all parts of your MAJESTY's dominions, to acknowledge the happiness and advantages of the UNION, tho' at present the artifice of their enemies, rather than any real mischiefs felt by it, have filled their mouths with complaint.

As their religious liberty is thus secured, so civil liberty is an immediate and visible effect of this great transaction: all the invasions of ignorant magistrates, privy-council usurpations, abusing the royal authority, and the personal tyranny of the gentry over the commonalty, is, if they please, deposed by this UNION: Scotland is now in no bondage but what is merely voluntary; owing to their want of a taste of liberty, and their ignorance of the advantages of it; things, which time and experience will not fail to remove, and Scotland shall hereafter be reckoned amongst these free people that all the world envies.

Posterity, Madam, must own to your MAJESTY's memory, all that they meet with in the UNION, that is peaceable, easy, and advantageous; and the nations that are yet to be born will bless your very name, when they see the effects of it to them and their children.

That Faction will be ever heaving and struggling, Envy raging, Slander barking, and Hell plotting against this UNION, and against every happy event that proceeds from it, is rather a testimony for, than an argument against it. It could not be expected that any kind of people, whose hopes, or gain, or interest, or party subsisted in the disorders and convulsions of their native country, should smile upon this undertaking: the interests of popery, tyranny, French usurpations, and spurious succession, received a mortal stab by this UNION; and therefore cannot but make war against it upon all occasions.

If protestants, if men of honest designs and good principles are found complaining of, or regretting the UNION, it is only such whose private prejudices are built upon the errors of their judgment; or whose eyes it has not yet pleased God to open to the true intent and design of your MAJESTY in bringing it to pass.

But as it is to be hoped, those prejudices shall in time be removed, and all honest
men

men shall see the public good in the UNION; so there has always been this happy difference, even in the dislike of these men to the UNION, and that of other people—that these objected against circumstances, those against essentials—these have their little scruples as they fear the UNION may interfere with their civil or religious interests, those abhor the very thing UNION, and oppose it as such, and as it tends to the peace and prosperity of both nations.

The truth of this distinction appeared most evidently in the affair of the late invasion, when joy and satisfaction appeared in the very countenances of the Jacobite opposers of the UNION, from the view they had of the overthrow of the constitution by a French and Popish usurpation; while the other, like faithful subjects to your MAJESTY, prepared to defend even that very UNION they disliked, honestly laying aside their private prejudices, to join in the public defence of your MAJESTY and their country, and thereby approved themselves both good Christians, and good subjects, to the glory of your MAJESTY's government, and to the confusion and disappointment of your enemies.

May it please your MAJESTY,

As the UNION bears your royal character to posterity, so no history of it can be perfect without your name in it's frontpiece: the world must have your MAJESTY's zeal for, and concern in this great transaction of UNION made particularly known; or no historian can be just in the relation, nor can posterity form any ideas in their minds, of the manner how it came to pass.

Your wife and faithful counsellors assisted, managed, and formed this mighty embryo; but the conception, the thought of UNION, the passion for it's completing, the vehement desires of finishing it now, were originally your MAJESTY's own, and to these we owe all the vigour and application of your able ministers, the compliance of your parliaments, and the general strain of popular inclination, which was unexpectedly found in both nations for the bringing it to pass.

The humble Author of these sheets, Madam, having, amidst a throng of disasters and sorrows, been honoured by your MAJESTY, in being rendered serviceable to this great transaction, and having passed thro' all the hazards, tumults, and disorders of that critical time, in his humble endeavours to forward the glorious design of your MAJESTY, for your subjects prosperity, thinks himself doubly rewarded, in having the honour to lay this account of these things at your MAJESTY's feet—In your MAJESTY's clemency, all the imperfections of the performance will find pardon—under your MAJESTY's protection, the truth of the narration shall oppose itself to all the false suggestions of parties and prejudice, on which soever side they appear—and in your MAJESTY's just and merciful administration, all the advantages

tages which the Author of this work has foretold to this nation by the UNION, shall in their season be made good.

Your MAJESTY's faithful subjects have nothing remaining to make them compleatly happy under so mild and just a government, but by a general UNION of affection, just, peaceable, and virtuous inclinations, to improve the UNION of the constitution, and make it produce all the blessed effects which your MAJESTY and all good men pray for—This as it shall be an honour to your MAJESTY's government, and the lasting happiness of your people, is the constant labour

Of,

May it please your MAJESTY,

Your MAJESTY's most dutiful

and obedient subject

and servant,

DANIEL De F O E.

T O H I S G R A C E
J A M E S,

Duke of Queensberry and Dover, Marquis of Dumfrieshire and Beverly, Earl of Drumlanrig and Sanquhar, Viscount of Nith, Thorwald and Ross, Lord Dowglas of Kinmount, Midlebie and Dornock, and Baron of Rippon, one of Her MAJESTY's Principal Secretaries of State, and Knight of the Most Noble Order of the Garter, &c.

M Y L O R D,

WHEN posterity shall look back on the great transaction of the UNION of these kingdoms,—when by just reflection on the temper, the conduct, and the constitution of the people, the circumstances of the times, with the interest and state of other nations at that time, they shall see into some of the difficulties which necessarily attended so stupendous a work; it will be most natural to enquire, by whose management, and under whose conduct it was carried on.

When her MAJESTY, in her speech to the Parliament, at the conclusion of the UNION, was pleased to say, that it should be mentioned hereafter to the honour of those who were concerned in bringing it to pass; it cannot be doubted, but your Grace had the first place in her Majesty's thought.

The particulars of the UNION cannot be discoursed of, much less can any history of it be transmitted to posterity; but mention must be made of your Grace's part in it: all our accounts will be full of the hazards you run, the insults and affronts you received, the dangers your person was exposed to in the faithful discharge of the high trust your royal Mistress put into your hands.

The compassion your Grace shewed for the poor enraged people, who by their warmth and fury against the UNION exposed themselves to the law, and to your just resentment, are testimonies of a moderation and temper particularly fitted for a work of UNION—a mind qualified for peace, and that first having made an absolute conquest of your own passion, was not to be moved by the extremes of others.

This, my Lord, is a testimony, not only of your Grace's capacity for the greatest and nicest concern of this age; but of her Majesty's singular wisdom and penetration in singling out your Grace from among the whole body of the nobility, for a
trust

trust on which the essential article of her Majesty's glory, and all Britain's safety, so much depended.

If triumphs were allowed to those generals who subdued by force of arms the barbarous nations to the obedience of the Roman empire, if their victories which were impressed with blood, and which at best consisted in devastation of kingdoms, and destroying nations, were the subject of the flourishing orations, and heroic poems of the learned men of that age; how much more just are the triumphs of peace, and the praises of such victories which prevent destructive wars, and lay solid foundations for the lasting tranquillity of nations?

Here are no widows and orphans, whose private tears lessen the public joy, and whose sighs for the loss of their nearest relations stain in the dear-bought victory, shall drown the acclamations they should make for the prosperity of their country. Peace and UNION challenge every man's joy; their nature is suited to every thing that's safe and calm, and their consequences never fail to be seen in plenty and prosperity, if the fault be not their own.

There is no question, but that among that illustrious body, the nobility of Scotland, there were many to be found, whose zeal for her Majesty's service, whose goodwill to the UNION, whose sincere aim at the service of their country, should justly recommend them in such a choice: but had the person entrusted here been adorned with the highest qualities, yet without the most self-denying moderation, the coolest courage, and the most passive resolution, it had been all to no purpose.

It is impossible to express, tho' I was an eye-witness to it all, thro' what difficulties your Grace passed in this nice affair, between what rocks you steered, what precipices you trod on, what contraries you reconciled, the least deviation in any of which had pushed your Grace and the whole nation upon irrecoverable shipwreck and disaster—more courage on one hand had precipitated all, and yet the least grain of fear had sunk the very foundation: to be angry, even when no man living could be pleased, to be in the least moved by the most violent extremes, to shun the most apparent mischiefs, to decline the greatest difficulties, any of these had ruined the whole prospect.

Even those people who pretended to oppose your Grace in the matter of the treaty, confess the honour of finishing the UNION to be your Grace's due; since they look on the choice of your Grace to that work as their chief disaster, declaring what they hate to hear repeated, viz. that no man in Scotland but yourself could have done it.

Those that pursuing different schemes, and having remote views, pretended to carry on principles of UNION, but of other and imperfect natures, came into this; not upon conviction of it's being better laid than their own; but because, when they found your Grace had espoused it, they foresaw it would be done without them.

The most violent enemies of UNION as such, and whose particular aversion to the prosperity of Britain, the Revolution and protestant succession, was the original

nal of their opposition to the treaty ; who boasted always of it's being impracticable ; who had successfully broken all the measures formerly taken in order to a treaty, and particularly had insulted her Majesty in baffling the last—took the alarm at your Grace's first appearance in this affair : this taught them to double their endeavours, to call in the assistance of all their friends, to stir up their politics, and use all the force of wit and artifice in management of parties to oppose it—and this at last taught them how to despair.

If the enemies of the UNION were thus alarmed at your Grace's appearing in the cause of the nation's peace ; if they learnt to despair from the sense of your Grace's powerful influence, and exquisite conduct ; the same extreme in joy and satisfaction possessed the friends of that great undertaking : Her Majesty and the whole nation grounded their hopes of success, next to God's blessing, upon your Grace's wisdom and prudence in managing, moderation in bearing, skill in contriving, and vigour in prosecuting every step of this weighty affair.

Heaven has said Amen. The blessing of success has joined, and the event has testified the truth of these observations—what well-wishers feared as impossible, what enemies boasted as impracticable, what the nations at home doubted, and the nations abroad scarce dreamed of, has been finished, to the surprise of Europe, the confusion of tyranny and jacobitism, to the infinite satisfaction of her Majesty, and to the joy of the best friends of Britain's happiness.

As then your Grace has gone thro' all the rough parts of this transaction, as you have shared the envy, the fury, the hatred, and all the hazards that attended it ; it is meet posterity, when they come to see farther into the advantages of the UNION, than perhaps we can now do, should know, and be put in mind too, to whose labours they are indebted.

This gives your Grace a title to these sheets, in which the humble Author endeavours impartially to recite the matter of fact, without favour or respect : indeed the greatest panegyric on your Grace's conduct in the Union, is, the truth of fact ; and 'tis your Grace's honour, and the particular honour of the Author of these sheets, that in an impartial relation of these transactions, and setting every thing in it's true light, he gives the greatest lustre to your actions, since no art can add to the native beauty of the whole.

I am,

May it please your Grace,

Your Grace's most humble,

and most obedient servant,

D. De F O E.

AN
ESSAY,

CONTAINING
A FEW STRICTURES

ON THE
UNION OF SCOTLAND WITH ENGLAND;

AND ON THE
PRESENT SITUATION OF IRELAND.

BEING AN INTRODUCTION TO
DE FOE'S HISTORY OF THE UNION.

By J. L. DE LOLME, Adv.

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A N E S S A Y

Containing a few Strictures on the Union of Scotland with
England, and on the present Situation of Ireland.

By J. L. DE LOLME, Adv.

THE Island of Great Britain extends over nine degrees of latitude, viz. from the 50th to the 59th, reaching therefore as far north as Stockholm and St. Petersburg or very near. Of these nine degrees England comprehends five, reckoning to Carlisle, — and six, reckoning to Berwick; the English territory stretching northwards in a point, and indenting with the Scottish counties as far as that town. Scotland extends over four degrees of latitude.

This northern part of Great Britain, forming a contiguous country nearly three hundred miles in length, and one hundred and fifty broad, had from very remote times been united into one kingdom. Being thus united under one Head, it had been able to resist the efforts of all those Powers who had at different times subdued the southern part of the Island. And at the time of Edward the First, that is, about two

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hundred

hundred years after the Norman Conquest, and four hundred years after the seven Saxon sovereignties had been united into one monarchy, Scotland still continued to form an independent, distinct kingdom.

The king we have just mentioned, Edward I. was the first king of England who manifested a settled design to subdue Scotland, and unite it to his crown: he was the more particularly allured to this, by the successful issue of his expedition into Wales, and the conquest he had been able to make of that principality.

An extremely favourable opportunity moreover offered itself to Edward. The crown of Scotland had become vacant, by the death of the late Sovereign without leaving issue. Two Candidates, sprung from the Royal family, laid claim to it. The decision of the dispute was referred to Edward I. by the two Claimants, and likewise by the body of the Scottish nobles, who were become apprehensive of a civil war among themselves. Edward, under pretence of proceeding with greater solemnity, invited the two Candidates, and the principal persons of the Scottish nobility, to meet him at Norham, in Northumberland, where he was at that time encamped with an army. Having thus got all the important persons of Scotland in his power, he proffered, on a sudden, in his own behalf, a claim of sovereignty and liege superiority over the kingdom of Scotland; and before he suffered either the Candidates or the Scottish nobles to depart, he compelled them to recognize his claim, and take an oath of fealty to him. About a year afterwards he gave his award on the dispute; and before he put the successful Claimant (John Balliol) in possession of the kingdom, he compelled him to renew his oath of fealty to him, and to bind himself to performing in future the different service which the feudal laws usually imposed upon Vassals, such as obeying summons, giving military aid, &c.

Conditions

Conditions that had been submitted to, amidst such circumstances, were not likely to be afterwards very faithfully executed. The failure of the Scottish king in performing those engagements that had thus been forced upon him, induced Edward to invade Scotland. He was so successful in this expedition, as both to defeat his new Vassal, and make him his prisoner. He carried him to London, where he kept him confined in the Tower; leaving, in the mean time, an English Governor, supported by an English military force, in Scotland.

The Scots took arms a second time, under the conduct of that renowned leader, William Wallace: but, after a series of considerable successes, they lost the great battle of Falkirk, in which Edward commanded in person; and Scotland was again brought under subjection.

Encouraged by the natural strength of their country, the Scots rose a third time, and, falling from their mountains and hidden fastnesses, drove the English garrisons before them. Edward led another army into Scotland. He was again successful, and carried his conquests in this third expedition, as well as his resentment, farther than he had done before.

A fourth time the Scots took arms; and Edward was once more marching a powerful army in order to reduce them, with a settled resolution to annihilate every remnant of resistance and opposition in Scotland, when he on a sudden fell sick, and died on the borders, in the sixty-ninth year of his age.

Edward, on his death-bed, had recommended to his son Edward II. to prosecute the war against the Scots, till that country were completely subdued. This prince, as soon as he was fully settled on his throne,

undertook an expedition against Scotland in person. But the fortune of war here favoured the Scots in their turn. They defeated Edward II. at Bannockburn, near Stirling. The victory they obtained over him was so decisive as to have been compared by historians to that won by William the Conqueror at Hastings.

This victory secured the Scots against any farther attempt from England during that reign. But the succeeding king, Edward III. soon resumed in his turn the design of conquering Scotland; and he displayed in his different enterprizes against the Scots, a degree of activity and earnestness equal to that manifested by king Edward I.

And, to say the truth, the conquest of Scotland was a project which ambition very naturally suggested to an English king. The dread of hostilities from so numerous a Nation, settled in the same Island in which his own kingdom was situated, kept him in a state of continual uncertainty or anxiety, and cramped the execution of his designs either for overcoming his rebellious barons and subjects at home, or for prosecuting his foreign wars and conquests. The very independency, besides, of so considerable a part of the island in which he reigned, seemed to cast discredit on his name in his own kingdom, and was a blot upon the reputation of his power and his arms, on the continent.

At the same time, the aim of an English king, in a war with Scotland, was not barely to wrest a few territories from that country, but to conquer the whole absolutely,—to reduce the king to the quality of a subject. This design was even openly avowed by the English kings; and, in order to forward the attaining of it, they had set up a claim (as hath been above observed) of liege superiority and feudal sovereignty

over that kingdom. Now, such a claim produced the effect of making peace almost impracticable between the two kings of England and Scotland. In fact, a claim of that tendency admitted of no compromise, nor could be qualified in a Treaty.

Another hurtful consequence of this claim of a liege superiority in the English kingdom, was, that it united the whole body of the Scottish nobility into a constant hostile confederacy against England. For, had the claim set forth by the English kings succeeded to be established, the Scots nobles must, from the station of peers and hereditary counsellors to an independent Sovereign, have sunk into the condition of Vassals to a Vassal. With the English Nobles they must have been satisfied to rank as Commoners. And in regard to the English Nation at large, they must have stood in the predicament of a subordinate inferior People.

A state of perpetual war accordingly became the consequence of the situation in which the two kingdoms stood in regard to each other. The treaties between them never were treaties of absolute peace, but only truces for a time, during which each Nation was watching for proper opportunities, and preparing either for fresh attacks or for defence.

The kings of England were supported in their enterprizes against Scotland, by the superior wealth and populousness of their kingdom. The Scots were assisted in their resistance by the natural obstacles with which their country abounded, by the lakes and hills with which it is interspersed, by the deep inlets of the sea with which it is intersected, and also by the really great extent of the country; all which circumstances together made it next to impossible for a conqueror to penetrate every part of it. The severity of the weather in that northern latitude,
during

during a considerable part of the year, was another kind of natural defence. And to all these advantages in favour of Scottish independence, we must very likely add other peculiar causes, arising from the internal polity of the Scots, and their manner of living among themselves.

All these circumstances, combined together, must have possessed great efficiency: for, notwithstanding the advantage in almost every pitched general battle, remained decisively, to all appearance, on the side of the English; yet, it happened in the issue that the Scots had only been dispersed; their main strength remained unbroken; and on the first favourable opportunities they were able to rally again in great numbers from behind their lakes and mountains, and to drive once more their invaders out of the country.

The project of the conquest of Scotland, which had been begun with so deep a policy, as well as pursued with so much vehemence and spirit by king Edward I. was, as hath been above mentioned, resumed both by his son and grandson, Edward the Second and Edward the Third. All the English kings who succeeded these, continued to set up the claim of feudal superiority over the kingdom of Scotland; and most of them endeavoured to make the same good by military enterprizes. The wars between the two nations continued till the reign of Edward the Sixth, whose uncle the duke of Somerset, protector of the kingdom, gained the battle of Pinkies against the Scots: that was the last battle fought between the two nations before the Union of the crowns.

A lively description of the lasting contests that took place between the English and the Scots, is contained in the following passage of an historian.

“ And now (the reign of Edward I.) began the contest between the
“ two nations, which spilt more Christian blood, did more mischief,
“ and

“ and continued longer than any wars that we read of between any
“ two people in the world. For all the kings which preceded for
“ three hundred years together, even to the blessed union of them by
“ king James I. had their share more or less in the quarrel. And
“ though England, being much the greater and stronger nation, had
“ the good fortune often to overcome; yet it was with so great ex-
“ pence of blood, time, and treasure, that what she got cost more
“ than it was worth; the Scots being never so fully subdued, but that
“ they were soon for recovering their liberties again, and that with
“ success. So that Providence may seem to have decreed no union
“ should be firm between these two nations that was made by force;
“ but only such as should be produced by peace and the milder way of
“ succession.”

It may be added, as a conclusion, that the Scots were able to the last to assert the independence of their kingdom. They had not even lost any part of their territory when their wars with the English became to be terminated. It was rather the reverse: for, their kingdom was advanced on this side of the boundary of the antient kingdom of Scotland, which is formed by the northern *Picts'* wall, which runs from the vicinity of Edinburgh towards Glasgow; and they were possessed, at the epoch we mention, of three fourth parts of the territory that lies between that wall, and the southern wall built in the vicinity of Newcastle by Hadrian; which territory had more than once been wholly in the possession of the English. The limit between England and Scotland, at the time of the accession of James the First, ran, as it now does, in an oblique direction across the space contained between these two walls, almost reaching, near Carlisle, to that on the south.

At length James the first acceded to the crown of England. He was great great grandson to king Henry VII. by his daughter Margaret, who had married James IV. of Scotland. His grand-father James V. was consequently nephew to king Henry VIII. and first cousin to the late queen Elizabeth: there was no nearer heir to the English crown.

By the accession of that prince to the English crown, an end was put to the bloody struggles, and the contests in the field, between the English and the Scots. But, at the same time, a struggle of another kind arose. A controversy now took place between the two Nations for the advantages accruing from the presence of the common Sovereign, and the possession of the seat of the government.

From the king of England now being a Scotsman, from the Scots having given a king to England, after having been able through a long course of years to assert their independence, the advantage, as to the article of honour, was undoubtedly on the side of the Scots. But then the real advantage, in that kind of contention, soon turned out to be in favour of the English, in consequence of the common Sovereign choosing to take up his residence among them: a choice to which he was led by the superior importance of the English kingdom; not to mention the more regular government, and greater degree of obedience to royal authority, that prevailed in it.

Loud complaints soon arose in Scotland about the stagnation of their trade, caused by the removal of the seat of their government, about the draining of their money out of the country, about their being sub-
jected

jected to English influence, &c. &c. The English, on the other hand, wanted to keep to themselves all the advantages they had acquired; they were besides somewhat anxious to shew, that, for being ruled by a Scottish king, they did not consider themselves as being become subjects to Scotland. The English parliament refused to give a declaration for naturalizing the Scots in England, thereby denying them, as far as they could, the benefits of an equal trade; and, above all, a great outcry was raised in order to hinder them from obtaining places of profit and trust, and, in short, preferment of any kind. — *They shall eat our Commons bare and make us lean*, soon became to be the pretended universal apprehension. Reflections on the poverty of the Scots resounded from all quarters. And the Scots, in their turn, were not behind hand, we may suppose, in also devising national reproaches, and contumelious retaliations, on the English, among themselves.

We are informed of several of the national reflections thrown upon the Scots in England, in the very Speeches of King James the First to the English Parliament, in which he endeavours, with remarkable good-nature, to answer the reproaches that were cast upon the Scottish Nation. He also earnestly recommended, in these Speeches, an Union of the two Nations: moreover, endeavouring to justify himself on account of the favour he had at first shewn in his Court to several of the Scottish Nobility; which favour, by the by, does not seem to have been either very partial, or very extensive. The following is an extract from one of his Speeches, in the year 1607. “ I owe no more to the Scot-
 “ tishmen than to the English; I was born there, and sworn here; and
 “ now I reign over both. Such particular persons of the Scottish Na-
 “ tion as might claim any extraordinary merit at my hands, I have
 “ already reasonably rewarded; and I can assure you that there is none
 “ left for whom I mean extraordinary to strain myself, further than in
 “ such ordinary benefit as I may equally bestow, without mine own

“ hurt, upon any subject of either Nation; in which case no King’s
 “ hand should ever be fully closed. To both I owe justice and pro-
 “ tection; which, with God’s grace, I shall ever equally balance. For
 “ my liberality, I have told you of it heretofore. My three first years
 “ were to them as a Christmas: I could not then be miserable. Should
 “ I have been oversparing to them, they might have thought Joseph
 “ had forgotten his brethren, or that the King had been drunk with his
 “ new Kingdom. But suits go not so cheap now as they were wont.
 “ Neither are there so many fees taken in the Hanaper and Petty-bag
 “ for the Great Seal, as hath been done. If I did respect the English
 “ when I came first, of whom I was received with joy, and came as in
 “ a hunting journey; what might the Scottish have said, if I had not
 “ in some measure dealt bountifully with them, who so long had
 “ served me, and so far adventured themselves with me? I have given
 “ you now four years proof since my coming; and what I might have
 “ done more for raising the Scottish nation, you all know. The longer
 “ I live, the less cause I have to be acquainted with them; and so the
 “ less cause of extraordinary favour towards them.”—From the above
 extract the reader will perhaps conclude that sufficient justice has not
 been done to James the First, either as a Speaker, or a Writer.

However, notwithstanding the speeches and exhortations of James,
 the English Parliament continued sullen and obstinate; and that Prince at
 length found he had no other means to assist his Scottish subjects, except
 his prerogative, and his personal power to grant preferment, and privileges
 respecting trade; which power, in those days, was under no limitation
 in regard to individuals. To which it may be added, that he caused the
 Judges to give a declaration, importing, that the *post-nati* of Scotland,
 that is to say, those persons who were born in that Kingdom after the
 accession of the King to the English Crown, were of course naturalized.
 The English Parliament had shewn a reluctance to declare even that.

It

It may, at the same time, be mentioned, as being some justification of the conduct of the English Parliament, that the Scots, in their answers or declarations concerning the proposed Union of the two Nations, manifested too great a determination to adhere to their own national distinctions and institutions.

In the midst of this mutual national rivalry and opposition, King James enjoyed a secure power: each Kingdom reciprocally supplying the means of keeping the other in awe and subjection.

The English would not, perhaps, have lived so quiet as they did, under a King that had been sent them from a Nation whom they professed to despise, if that King had not at the same time derived a capital personal weight among them, from the prospect of the assistance of that same Nation, who was settled on their borders, in the same Island with themselves.

And the turbulent anarchical spirit that had ever distinguished the Scots, must needs have been greatly repressed by a sense of the vast increase of the personal power of their King; who, it must be at the same time confessed, could not be reproached with having been wanting in his endeavours to serve their Nation at large. An idea of the easy manner in which the King of Scotland was now able to govern his native Kingdom, may be formed from the following passage, which is extracted from the same Speech above quoted.

“ This I must say of Scotland, and I may truly vaunt it: here I sit, and govern it with my pen: I write, and it is done. And, by a Clerk of the Council, I govern Scotland now, as others could not do by the sword.”

The reign of Charles I. exhibited a scene quite different. The spirit of reciprocal national opposition gave way, in each Kingdom, to concerns of another Nature. An union was now formed between the

English and Scottish Nations: it was at the expence of the Royal Authority.

Historians have observed that the great internal change of circumstances that had taken place in England, about the times of Charles the First, had rendered the situation of the King very difficult; but they have not taken sufficient notice how much this difficulty was farther increased by the accession of another Kingdom. To have two Kingdoms to manage at once: the one (Scotland) full of the spirit of turbulence and restlessness,—and the other perfectly well disposed to imitate the example,—was a task infinitely beyond the skill of Charles successfully to compass.

An union, as hath been above observed, was formed between the two Nations, against that King. And he may be said to have been himself at some pains to bring it about.

The Scots well informed of the discontents that prevailed in England, where no Parliament had been called for above ten years, and being even secretly invited from that kingdom, rose in arms first: this was in the year 1639.

They rose again in the year 1640.

The English Parliament, the same which was afterwards denominated the *Long Parliament*, was at that time called. The design of the King in summoning that Parliament, was to obtain assistance against the Scots. But the Parliament, when it met, sided with them. They voted pay to the Scottish army. And it was while that army lay encamped in the Northern Counties of England, and in a manner under the protection of the cannon of the Scots, that the English Parliament obtained to be declared perpetual,—that the Earl of Strafford and Archbishop Laud were impeached,—and those provisions in general were made (some excellent, some otherwise) to which Historians have given the appellation of the *famous motions of the year 1641*. It was also dur-

ing

ing the same period of the presence of the Scottish army, that the English Parliament began those preparations which were soon to enable them to rise up in arms in their turn.

In the year 1642, the civil war began in England. The Scottish army, who had been paid off the year before, but had never been completely disbanded, again assembled and accepted English pay. They marched into England. And as that army had, in the preceding years, served to countenance the political measures of the English Parliament, so it now countenanced their military enterprizes, and struggles in the field.

The King, being driven by ill success to extremity, took his refuge into the army of the Scots, who lay encamped at Newark. But they proved true to their English Confederates, and delivered up the King's person to them.

The events that followed are well known. The King lost his life at Whitehall. The Scots, in the issue, quarreled with their English Allies, or rather with the prevailing party in England. They attempted, after the death of Charles the First, to give assistance to his Son Charles the Second, whom they proclaimed King of Scotland. They maintained a doubtful and bloody conflict for a few years. And they were at length brought under subjection to the English Commonwealth.

In the year 1660 Charles the Second was restored. The spirit of national opposition between the two Kingdoms, became to be again in some degree revived in his reign. And it contributed to secure that King's authority, in the same manner as it had formerly strengthened the power of James the First. The family prepossessions of Charles the Second had like, however, to have led him into wrong steps and dangerous mistakes in his government of Scotland: the Earl of Lauderdale pointed out to him what his policy ought to be, in the management of his two distinct Kingdoms.

James

James the Second had so little wisdom as again to unite the two Nations into serious complaints against him. His very remarkable want of policy proved fortunate to both Countries; and he was expelled without any blood being shed.

The English Parliament raised William the Third to the Throne of England. And so sincere were the Scots in their conjunction with the English at that time, so completely did they forget their national rivalry and hatred of English influence and Councils, that they accepted, without hesitation, that King whom the English Nation pointed out to them.

The Presbyterian Sect and party, in Scotland, in fact decided every thing in favour of William. The continued prevalence of that party, and their remarkable zealous spirit, during the whole reign of that Prince, proved very useful for securing his power, first in Scotland, and consequentially in England. The favourable situation of affairs in Scotland enabled him in great measure, no doubt, to surmount the great difficulties he experienced from the restless spirit by which his English Kingdom was influenced, combined with the dangerous claim that continued to exist upon his Crown, and the small degree of love that was in general borne to his person.

In the reign of Queen Anne, the spirit of national antipathy and rivalry again got uppermost in both kingdoms. One advantageous circumstance at least had followed from the misconduct of the Kings of the House of Stuart; which was, that the spirit of antipathy between the two Nations had been in great measure set aside, or at least had never been carried to any degree of activity, except perhaps during the first year of the reign of James the First in England. But soon after the accession of Queen Anne, the notions of national rivalry broke out afresh, with a degree of vehemence superior to any thing that had taken place in any former period.

The spirit of national opposition had even began to be manifested during the last years of the reign of William the Third. It had been very remarkably exerted in Scotland in the establishment they made of that Company that was to form a Settlement at Darien, on the Spanish Main. The avowed design of that Company was to enable Scotland to rival the trade and wealth of England in a few years. The project completely miscarried, after endangering a war with Spain and other European powers, besides being productive of much heat and controversy between the two Nations.

Several circumstances concurred in Queen Anne's reign to invite the exertions of the national opposition. In the first place, it must be confessed that the complaints of the Scots, considered as a distinct Nation and Kingdom, were not without some foundation: the removal of their Government from its seat among them, was certainly attended with prejudice to individuals. In the second place, that party in Scotland who began about those times to build their claims to popularity, on their opposition to England and English councils, were encouraged both by the considerable resistance which the Government in England was then beginning to meet from the Jacobite party, and by the great need in which it stood of the co-operation and assistance of the Scottish Parliament.

In order to understand what is here said of the situation of the English Government in regard to the Scottish Parliament, it is to be observed, that the Act by which the Crown had been settled upon Queen Anne, reached no farther than that Princess and her issue. After the death of the Duke of Gloucester, her only remaining child, it became necessary to make another Settlement. An Act to that effect was accordingly passed about the end of the reign of King William the Third, by which the Crown was settled on the House of Hanover. But no such Act was passed in Scotland. A provision for settling the
Scottish

Scottish Crown was yet to be made in the beginning of the reign of Queen Anne; nor was any Settlement made in fact untill the Act of Union.

This situation of affairs gave great advantages to that party in Scotland who were at the head of the opposition against England. The Scottish Parliament were, in reality, possessed of a power legally to introduce again the expelled family of Stuarts into Great Britain, and procure a formidable establishment to it. The Son of James the Second, backed with the strength of a Kingdom that had, for a long series of years, proved a match for England, supported by foreign auxiliaries, and abetted by one half, perhaps, of the English Nation themselves, might have been able, after a great effusion of blood, to enrich his followers with English forfeitures.

The danger was great. It was most seriously dreaded in England at the time. And the sense the Scots entertained of the situation of public affairs and of their advantages, caused the spirit of opposition to England, and of national rivalry, to be carried, in Scotland, to a degree of vehemence, as hath been above mentioned, much beyond any thing that had taken place in any former reign. The following extract from Bishop Burnet's *History of his own Time*, will give the reader an insight into the general disposition of the People in that Country, at the period we mention.

“ A national humour of rendering themselves a free and independent
 “ Kingdom did so inflame them, that, as there were a majority of
 “ seventy in Parliament on their side, they seemed capable of the most
 “ extravagant things that could be suggested to them *. All was
 “ carried with great heat and much vehemence; for, a national hu-
 “ mour of being independent on England, fermented so strongly among
 “ all sorts of people without doors, that those who went not into every

* Burnet's *History of his own Time*, Vol. V. p. 164.

“ hot motion that was made, were looked on as the betrayers of their
“ Country; and they were so exposed to popular fury, that some of
“ those who studied to stop this tide, were brought in danger of their
“ lives. The Presbyterians were so overawed with this, that though
“ they wished well to the settling the succession, they durst not openly
“ declare it. The Dukes of Hamilton and Athol led all those violent
“ motions; and the Nation was strangely inflamed *.”

This disposition of men's minds in Scotland also became to be farther encouraged by the doubtful state of the war in which England was at that time engaged against France, which, in the beginning of it, was looked upon as doubtful, and very dangerous, on account of the consequences which misfortunes might have produced at home, and of the assistance which France, if successful, might have been able to give to the Stuart party.

The Leaders of the Scottish opposition came at once to measures of great violence. A Parliament was summoned in Scotland in the year 1703. A letter from the Queen was read, desiring them to provide for the settling of the Crown in their Country, in case the Queen should leave no issue; and the Settlement that had passed in England was proposed.

Instead of adopting this, the Scottish Parliament resolved that provisions should first be made for settling the rights and liberties of the Scottish Nation, independent on English interests and councils; and moreover declared, that, until these provisions were agreed upon, the Successor to the Scottish Crown should *not* be the same Person that was possessed of the Crown of England: they also added other articles to their regulations, by which the whole authority of the Crown in Scotland was to be transferred to the Parliament, or to a Council named by it, which was to govern during recess.

* Vol. V. p. 227.

The Act was rejected by the Queen.

It was resumed the following year (1704) with much the same clauses, especially in regard to the settling of the Crown. The Ministry in England, overawed by the situation of affairs both in Scotland and abroad, and in England too, advised her Majesty, at that time, to give her consent to the Act. None of those great successes, that ended afterwards in crushing the power of France, had been yet obtained at the time of passing the Act of the Scottish Parliament we mention*.

This Act was called in Scotland the *Act of Security*. It was in reality a Bill of exclusion against the Possessor of the Crown of England. Provisions of an actually hostile nature had been also added to this Act; for, by one of the articles, an order was made for arming and training the Subjects, and putting them in a posture of defence.

The English Parliament having met not long afterwards, the Lords addressed the Queen, “ That she would give orders for fortifying *Newcastle, Berwick, Carlisle, and Hull*, and that the Militia of the four “ Northern Counties might be provided with arms; and that a competent number of regular troops might be kept upon the northern “ borders of England, and in the north of Ireland †; and that the “ laws might be put in execution against the Papists.”

A Bill was passed a few weeks afterwards in both Houses, which was intitled, *An Act for securing the Kingdom of England from the dangers that might arise from several Acts lately passed in the Parliament of Scotland.*

By it it was enacted, that the Natives of the Kingdom of Scotland should be reputed as Aliens, unless the Succession to the Crown of Scotland be settled on the Princess Sophia of Hanover, and her Heirs, being Protestants. Provisions were also made for intercepting the trade from Scotland to those Countries that were at war with England: (it may be observed that the Scots had expressly passed an Act for

* See Burnet. anno 1704

† Being exposed to invasion from Scotland.

Trade with France); and Christmas of the following year was the day fixed for the Act to take place, unless, as is above said, the Scots chose before that time to settle the Crown on the House of Hanover. The same Act also empowered the Queen to name Commissioners for a Treaty of Union.

By the two opposite Acts of the English and Scottish Parliaments that have been above described, war was in fact declared between the two Countries: only actual hostilities were postponed to the ensuing year; the militia was, in the mean time, training on both sides; and ships of war were moreover fitting out in England, for cruizing against the Scots trade.

Wise and moderate Men in both Countries began to wish more seriously than had been done at any former period, for a more perfect union of the two Nations than that which the union of the two Crowns had been able to effect.

It is at the same time to be observed, that a very great change had now taken place in the situation, both of English affairs, and of the English Government. The very remarkable and decisive successes which the English armies, and those of their Allies, had met with on the Continent, completely discouraged the disaffected party at home, and operated as a bar to that faction in Scotland who were for running to extremities against England. The armed power of England, both by sea and land, had been carried to such a prodigious degree, in consequence of the important war she was engaged in, that Scotland, as a distinct rival Kingdom, had no prospect of successfully opposing it by military exertions. France, from whom Scotland might have expected assistance, was now totally fallen from that situation in which she stood a few years before, and unable to spare any competent force from the defence of her own frontiers. All the other powers of Europe, within reach of assisting Scotland, were in close alliance with England. That party in Scotland who headed the opposition against England, and had

exerted themselves for some years in obstructing every English measure, and defeating the project of an Union, was therefore under a serious necessity to give way. The proposals made by Queen Anne, for appointing Commissioners from both Countries to treat of an Union of the two Kingdoms, were now listened to; and an Act for that purpose was passed, after some struggle, in the Parliament of Scotland, in the same manner as it had been before in the English Parliament.

The first and essential object for which the Treaty we mention was entered upon, was the Union of the two Kingdoms, by incorporating the two Parliaments into one. James the First is mentioned by Historians, in loose general terms, as having endeavoured to effect an Union of the two Nations. Yet, it does not seem that he meant any thing more than a reciprocal naturalization of the Subjects of both Countries: no mention was made by him of an incorporation of the two Parliaments together: it might even be proved, perhaps, that he did not wish for it. The only actual proposal for such an incorporation, previous to the year 1706, was made in the year 1670, in the reign of Charles the Second. Commissioners from England and from Scotland met at Whitehall, to treat on that subject; but as there was no great earnestness on either side, nor in the King himself, to see the project succeed, it was soon given up. The Scots made too high demands: and the English Commissioners did not propose any medium or abatement.

King William had some thoughts of an Union between the two Kingdoms. He probably meant an incorporation of the two Parliaments. But he was not very anxious to bring this Union to a conclusion; he having only mentioned it in one of his speeches, as a thing proper to be done at some future time.

In the very beginning of the reign of Queen Anne the project was again taken up. In her first speech after her succession (in the beginning of the year 1702) she recommended an Union of the two Kingdoms; and an Act for empowering her to name Commissioners for Eng-
land

land was passed. The prevalence of that violent party spirit that has been above described, continued to obstruct, especially in Scotland, the accomplishment of the design for some years. At length, in the year 1706, effectual steps were entered upon for framing a Treaty; and Commissioners met at Whitehall for that purpose. They were thirty-two from each Country; all named by the Queen: the Scottish Parliament having given up the claim they had till then insisted upon, to name their own Commissioners.

These Commissioners agreed about articles. These Articles were ratified by the two Parliaments of England and of Scotland; and formed the Treaty by which the two Kingdoms became *United*.

The Articles, in favour of the English in that Treaty, were,

I. That by which it was enacted that the English Parliament should be sole Parliament for Great Britain, and that the Representatives of Scotland should come and incorporate with it.

II. The Crown of Scotland was settled on the House of Hanover, being at the same time for ever annexed to the Crown of England.

III. Scotland was made subject to the paying, in future, the same taxes as were to be laid in England (some limitations excepted).

The Articles, in favour of Scotland, were,

I. A complete and perpetual naturalization of Scottish subjects in England.

II. The whole tax upon land, in Scotland, collectively taken, was settled for ever to be only the fortieth part of the amount of the same tax in England (the exact rate is as 48 to 2000).

III. The Scots were allowed to send forty-five Representatives to the Parliament of Great Britain, and sixteen to the House of Peers: in all sixty-one. It may be observed that Edward the First, during the short time he was master of Scotland, and during the forced Union he then made of the two Kingdoms, had allowed the Scots only ten Representatives: that number was accordingly sent: the Reader may see their

names in the *Parliamentary History* of England. And the English Commonwealth had allowed the Scots only thirty Representatives, when a second forced Union of Scotland took place, after the conquest that was made of it by Cromwell and his Generals.

IV. The Peers of Scotland were allowed to enjoy in England all the privileges of the English Peerage, and precedence over all Peers of Great Britain created after the Union: the right of voting in Parliament, and of sitting upon the Tryals of Peers, excepted; these latter rights being confined to the sixteen Deputies sent by the Scottish Nobility.

Since the Treaty of Union, some farther regulations concerning Scotland have been made by the Parliament, which it may not be amiss to mention here.

In the first Place, the Privy Council of Scotland was abolished soon after the Union: it had been left in the power of the Parliament of Great Britain to continue, or set it aside.

About four years after the Union, it was resolved in the House of Lords, that Scottish Peers, created Peers of Great Britain since the Treaty, were not to be admitted to sit, or vote, in that House: the Duke of Hamilton, who was created Duke of Brandon in the year 1711, was accordingly not allowed to take his seat. The resolve was grounded on the strict letter of the Act of Union: only sixteen Scottish Peers were to vote. This construction had some spirit of jealousy in it: it put the Scottish Peers in a more disadvantageous situation in regard to receiving honour from the Crown than Scottish Commoners, who were undisputably allowed to be capable of being called to the House of Peers by the Crown. This resolve was altered a few years ago.

The eldest Sons of Scottish Peers were also to be excluded from a seat in the House of Commons. A vote to that effect was passed in the year 1710: it was grounded on the exclusion that was also formerly
given

given to them in the Parliament of Scotland. This vote has been set aside not many years since.

In the year 1709 an Act was passed for making treasons and the tryal of them the same in Scotland as in England. The law of Scotland was more arbitrary. By the Act abovementioned a Grand Jury is to find the Bill, and the Petty Jury are to be unanimous in their verdict. The law is not so in Scotland in cases different from treason: they have, for instance, no Grand Jury in cases of ordinary criminal prosecutions.

Lastly, the *Heretable Offices, Superiorities, Heretable Jurisdictions*, and *Jurisdictions for Life*, which conferred a power of life and death on a very great number of petty Lords and Chieftains, in Scotland, in their respective districts, were set aside by an Act of Parliament passed in the year 1746. The continuation of these tyrannical personal privileges and Jurisdictions, had been expressly stipulated in the Act of Union: it being the 20th Article of it. However, the Parliament thought that the justice and national importance of the provision were to justify the infraction made by it to the Treaty of Union. The opposition raised by the Proprietors of these Jurisdictions was overruled: and they were compelled to receive a compensation in money: it was said that only their property was meant to be secured in the Act of Union. Most of the People of Scotland might be said, in fact, to have acquired no individual freedom, nor even advantage, by the Treaty of Union, until the passing of the Act we mention. The feudal Tenures of land by *wardholding* and *Knight-service*, together with their *incidents* and *casualties*, which were another source of oppression upon a numerous class of individuals, were also abolished at that time.

The general advantages which accrued to each Kingdom, respectively, from the Act of Union, may be summed up as follows:

England, by the Treaty of Union, acquired the advantage, That an extensive inlet and settlement for foreign enemies was shut. Land hostilities

ilities and warfare were at the same time put an end to, through the whole island. And England found herself fenced by the Sea on every side.

At the period itself in which the Union took place, England derived from it the capital present advantage of excluding from every part of Great Britain, a family that had a most dangerous claim upon her Crown: a claim which continued to be respected by a very numerous part of her own People. The Act of Union was to prevent the renewal of those scenes which had attended the struggles between the Houses of York and Lancaster.

Scotland, being likewise considered as a separate Kingdom, acquired by the Act of Union, all the advantages of English trade and navigation. She cannot, perhaps, be said to have been gainer in regard to the rate according to which she bears the burden of public taxes; though the case is generally represented so. Scotland now pays the same extensive excises, customs, and stamp duties, that are paid in England. She is eased in regard to the land-tax; but that is no extremely considerable object, in comparison to the whole of those abovementioned. It may at the same time be said, most likely with truth, that the increase of both their internal trade and their navigation, does more than enable Scottish subjects to bear their increased burden.

Scotland has acquired the same advantages as England, as to perpetual peace within the whole Island in which she is situated. The abolishment of the spirit of rivalry against the neighbouring Kingdom, may also perhaps be reckoned as an advantage in favour of Scotland. At the time when the Union was effected, England had so mightily increased her national power and strength, in consequence of the changes that had of late years taken place in the politics of Europe, that Scotland, as a separate Kingdom, was left behind, out of all proportion in that respect. A spirit of national struggle and opposition,

and

and notions of rivalship, could not, in future, be productive of happiness to any individual in Scotland.

And lastly, the Scots, through the Act of Union, have gained the advantages of greater individual freedom, and of a better Government among themselves.

As a conclusion it may be added, that the Union of the two Nations was followed by a circumstance very favourable to the full settlement of that new model of Government which was introduced by it. A few years after the Treaty took place, Great Britain became at peace with France and the whole world, and continued so till about the year 1740, that is for thirty years; two contests of short duration with Spain excepted. From the year 1740, to the year 1775, or thereabouts, when the American struggles began, Great Britain was engaged in no foreign war, but what served to strengthen her internal Government, instead of weakening it. This was a space of full sixty years since the Union: a space of time long enough, though not perhaps too much so, for rooting out such violent prepossessions and affections for certain models of Government, as are chiefly grounded on party-spirit.

I R E L A N D.

IRELAND forms the third branch, or limb, of the British dominions in Europe; and though a separate Island, lies sufficiently near Great Britain, to be considered as an adjacent Country.

There seems, however, to have been little intercourse between Ireland and England, previous to the reign of Henry the Second. There is no account left of any English Settlement having been made in that Island before that period; though several Colonies of Norwegians and Danes, were found, who had formerly settled on different parts of the coast. They chiefly inhabited the environs of Waterford and Limerick, and were in subsequent times called *Ostmen* by the English.

In the reign of the Prince abovementioned, Henry the Second, an attempt on Ireland was made for the first time, from the English coast. Historians have given to the expedition from England that then took place, the name of Conquest of Ireland: they have ascribed the honour of it to King Henry the Second; and have moreover conferred upon him and his Successors from that period, a rightful claim to the dominion and obedience of Ireland and its Inhabitants.

The fact is, however, that only a Settlement was made on the Irish coast, of the same nature as those which have been formed since on the coasts of Africa, Asia, or America. The first Adventurers were two private Gentlemen, Fitz Stephens, and Fitzgerald. They crossed the Irish channel with about three hundred men; and they were soon after followed by Earl Strongbow, with twelve hundred more.

If the Irish had been united under one King, or common Leader, as the Scots were, when Edward I. attempted the Conquest of Scotland,

or

or if the English adventurers had, on their first landing, alarmed the whole Irish Nation, by loudly proclaiming a design of universal indiscriminate invasion and dominion, as the same Edward the First did, it is not to be doubted that they would soon have been overpowered by numbers, in the same manner as the English garrisons left by Edward the First in Scotland, were overpowered and driven out of the Country.

But Ireland, at the time we are speaking of, was divided into a very great number of independent districts, that had little more connection with each other than what arose from mutual neighbourhood. And those Irish who lived on the Northern or Western side of the Island, did not care much who inhabited, or made settlements, on the southern or eastern coast.

The English adventurers, besides, found friends in the Country to whom they were welcome, as hath been the case in all the Settlements made by Europeans in remote parts of the World: they even had been expressly invited by an Irish Chieftain who was possessed of the opposite shore (his name was Mac-Dermot): they were to assist him in a war in which he was then engaged; and Earl Strongbow was to marry his daughter.

The military operations of the little English army, and of the Irish Ally who had invited them over, proved successful; and the Adventurers were rewarded for their assistance by having lands allotted to them in the Country. They formed a Settlement, or Colony, in the neighbourhood of Dublin.

The report of the advantages which Fitz Stephens, Fitzgerald, and Earl Strongbow, had met with, reached England. A few more adventurers followed, in order to partake of the success; and among them at length, was no less a person than King Henry the Second himself, who chose to come over, to give countenance to the Colony formed by his Subjects. This Prince proved still more welcome to the Irish than

the Adventurers who had preceded him. As he had brought only five hundred men with him, he caused no alarm. The Irish Chieftains were flattered to see so important a Man as the King of the great Island that lay on the opposite side of the channel, to have come among them to pay them a visit. They resorted to him from several parts of the Country, and were proud to make alliance and treaties of amity with him: some even agreed to pay him an annual tribute, for the honour of his future countenance and correspondence. It may be observed, that Henry the Second gave the Irish Chieftains the title of *Kings*; and this stile continued to be used by his Successors so late as eighty years afterwards, if not later: the following expressions are to be found in a letter sent by Henry III. to one of these Irish Chieftains. “The King
“to King Thomond, greeting.” (*Rex, Regi Thomond, salutem.*)

Henry the Second, after staying about five months in Ireland, withdrew, well satisfied with his expedition, and leaving his Subjects in possession of some districts on the eastern coast. Such was the first settlement made by the English in Ireland, and the first origin of the present dominion of the English Crown over that Country.

From the time we mention, till the 36th year of the reign of Edward the Third, that is, during a space of an hundred and fifty years, no attempt was made from England to extend the possessions that had been acquired in Ireland. At the period we mention, the English Settlement, that is, that part of it which was governed by the English Law, and recognized the King's authority, was not extended beyond what it was in the beginning. It was rather the reverse; and the *English Pale*, as it was called, only reached, at the time of King Edward III. to a few miles around Dublin; though an hundred and fifty years, as is above said, had elapsed since the first settlement.

This straitening of the English Pale had been owing to two causes. In the first place, the hostilities committed by the Settlers against the dis-

tricts by which they were surrounded, had raised an alarm and a confederacy against them, which the first Adventurers did not meet with.

In the second place, the successors to those persons of English blood, or race, who had obtained lands at some distance up the Country, had gradually renounced their dependance on the primary Settlement, as they ceased to want its support: which has been the case with all Colonies, whenever they have ceased to derive advantage from a connection with the Mother Country: and they had even in process of time adopted the dress, the language, and the laws, of the native Irish.

These English families, now transformed into Irish inhabitants, were moreover particularly jealous to oppose the extension of the *Pale*, and the farther spreading of the English law. They held their lands by Irish tenures, and by the *Brehon* or Irish law; which, in regard to matters of descent, totally differed from the law of England. Now, if the English law had been suffered to prevail, they must have been dispossessed, and compelled to give up their lands to other persons. In order to secure themselves still farther, and more completely disclaim any connection with the English law, they had even assumed Irish surnames, such as *Mac-Yoris*, *Mac-Morice*, *Mac-Gibbon*, &c.

At the period we have abovementioned, the 36th year of the reign of King Edward III. an expedition into Ireland was projected in England. The Leader was Lionel, Duke of Clarence, second Son to the King. The motive that induced this Prince to undertake the expedition, was this. He had married the heiress to William Bourke, surnamed the *Red Earle*, the greatest landholder among those persons of English blood who had settled up the Country, and rendered themselves independent on the English Pale and Government. After the death of the Red Earle, the next male heirs had claimed his estates, conformably to the Irish law, and had parcelled them among themselves; which was also conformable to the same law. Duke Lionel claimed these
same

same lands in right of his Wife, grounding his claim on the English Common law; and his coming over to Ireland, was in order to expel that Tribe, or *Sept*, or Family, or Clan, who had put themselves in possession of them.

The expedition was, in fact, undertaken against the Irish law, and all those persons of English blood who had adopted it. Duke Lionel even used so little policy as openly to avow his hostile intentions in general, and forbade all persons of English race to approach his camp. He accordingly met with an universal opposition out of the limit of the English Pale; and as he had only brought an inconsiderable force with him, he was compelled to withdraw. Before he finally left the Country, however, he held a Parliament at Kilkenny, while he was encamped there; and got that famous Statute to be passed which is known by the name of the *Statute of Kilkenny*.

This Statute is very remarkable: the above account of Duke Lionel's expedition has been purposely given, in order to have an opportunity to lay the principal articles of that Statute before the reader: it shews that tyrannical laws are an old evil in Ireland.

It was recited in the preamble, that the English of the Realm of Ireland, before the arrival of Duke Lionel, were become mere Irish in their language, names, apparel, and manner of living; had rejected the English law, and submitted to those of the Irish, with whom they had united by marriage-alliance, to the ruin of the general weal. It was therefore enacted that marriage, and gossipred, with the Irish, should be punished as high treason. If any Man of English race shall use an Irish name, the Irish language and apparel, or ride without saddle, &c. his tenements shall be seized. If any one claims the Irish or *Brebon* law, he shall be adjudged a Traitor. It was made penal for persons of English race, to allow the Irish to *creaght* or graze upon their lands; or to entertain any of their Minstrels, Rhymers, or News-tellers, &c. &c.

This

This Statute of Kilkenny has been greatly praised by Sir John Davis, and other Writers, on account of its tendency to *reform* the *degenerate* English: this was the usual appellation given to those English who, after settling up the Country, had adopted the Irish laws and customs. The fact is, that it was no more than a peevish and revengeful expression of the resentment Duke Lionel felt from the opposition he had met with, and the loss of those lands he had come over to claim. The Statute was not to have any obedience paid to it, out of the small compass of the English Pale. It was, in reality, a declaration of perpetual war against those persons and Chieftains of English race, who were settled up and down the country, and had been, more or less, necessitated to adopt the Irish customs and laws.—Thus ended the second expedition into Ireland.

The third expedition was undertaken not long afterwards, by King Richard the Second. This Prince landed in Ireland with a very considerable army: but he does not seem to have entertained any serious design; any design, in short, except that of a splendid excursion and amusement.

The Irish Chieftains acted in regard to Richard in the same manner as they had done with Henry the Second. Though they were unwilling to give up their lands and cattle to foreign adventurers, and to adopt laws which they neither understood, nor were used to, they were proud to see an English King among them. As Richard was willing to exhibit his greatness and magnificence to them, so, they were desirous to display their consequence and their urbanity. They flocked to the King's Court from all quarters. No less than seventy-five independent Irish Chiefs the King admitted to his person, and entertained with great splendour. The Earl of Ormond, who spoke the Irish language, and Henry Castil, who had married an Irish Lady, officiated as Interpreters. Four of the Chieftains, *O'Nial*, *O'Connor*, *O'Brien*, and *Mac-Murchad*, were seated at the King's table, clothed in robes of
state.

state. Some were knighted. They, at first, objected to the offer; alledging that every Irish Lord, or King, was knighted, or made a warrior of, when seven years of age: but being told that they were now to be made so, conformably to the practice adopted among all the famous Nations of Europe, they submitted to the ceremony with much gratitude.

It is to be observed that all these favours were shewn only to native Irish Chieftains. During those feasts and entertainments which the King continued for some time to carry on at Dublin, the *degenerate* English, great and little, kept at distance: none durst come near Dublin or the Court. They were under the terrors of the Kilkenny Statute. However, the young King was not come over with a design to shew severity to any person. He observed, with good-nature, in regard to the *degenerate*, or *rebel*, English, that they had possibly received but too much provocation; which had driven them to seek for the alliance of the Irish. After staying some months, Richard thought of putting an end to his magnificent journey; and he departed, without having increased the English Pale and the sphere of the English laws, or having manifested any intention about it.

From the reign of Richard the Second no expedition was attempted from England into Ireland, till the reign of Queen Elizabeth; in the latter years of whose reign Ireland was universally subdued by force, as will be mentioned hereafter.

During this whole period, which contained about two hundred years, a constant state of warfare continued to take place between the English Colony or Pale, and the whole Country besides; with some intervals however of intermission, as to actual hostilities.

The Colony were at constant war with the native Irish, in consequence of their colonial laws and provisions, according to which the *Irish* were considered as perpetual Outlaws. The Courts of Justice erected within the Pale, allowed them no remedy in cases of trespasses committed

committed against them; nor did they adjudge punishment for slaying a native Irish *.

The Colony were in a state of perpetual war with the *degenerate* English, in consequence of the Statute of Kilkenny, which, as hath been above recited, had made such *degeneracy* High Treason and Death.

The impotency of this Statute, and in general the impolicy of the measures pursued by the Directors of the Colony affairs, both in regard to the native Irish, and the degenerate English, soon became conspicuous. An alliance and confederacy took place between these, of a closer nature than formerly. And the consequence at length was, that the Settlement became to be so straitened, that those who were possessed of land on the borders, were necessitated to buy peace from the surrounding Chieftains, having agreed to pay them an annual stipend, which became to be a settled tribute, known by the name of *Black-rent*.

Notwithstanding its weakness, the English Colony continued however to exist,—partly because it was well known, that, had an universal combination taken place to effect its final expulsion, it would have received sufficient assistance from England to make the attempt both difficult and dangerous,—and partly, because the Settlement was, in itself, equal in point of strength to any of the numerous Lords, or Chieftains, who domineered over the Island. The Colony, in fact, continued to defend itself by the same means which those Chieftains

* When a Man had been killed, and the accused party pleaded that the Man was an Irish-man, the case was brought to the issue whether the Man killed was of Irish, or English, race. Sir John Davies has quoted two curious Latin records. By the first it appears that one *Williams*, who had killed one *Roger*, obtained his *quietus*, on proving that this *Roger*, notwithstanding the English name he had assumed, belonged to the Irish *Sept*, or Tribe, surnamed O'Hederiscals. The other record gives the instance of one *Laurens*, who was sentenced to be hanged, for killing one *Galsial Duvellal*, who was proved, on the tryal, to be of English race. See *Davies*, p. 111, 112.

used among themselves: that is to say, by making alliance at some times with some of them, and at other times with others; whether they were Irish, or degenerate English: occasionally setting aside the provisions relative to the *Irishry*, and forgetting the Statute of Kilkenny, as circumstances made it necessary.

On the other hand, there were reasons why the English Colony did not extend their acquisitions, nor availed themselves of the advantages they might have perhaps possessed to that effect.

In the first place, they continued to receive no assistance from England, whose Government was either engaged in Continental and Scottish expeditions, or was distracted at home by rebellious insurrections, and civil wars.

In the second place, the English Colonists began in time to quarrel among themselves, in their own district. In the same manner as a division had in former years been effected between English Subjects, and the degenerate English, so a division now took place in the Colony, between English Subjects of race or blood, and English Subjects of birth, that is, those who were born in England, and had lately emigrated, or rather *immigrated*, into Ireland. Their dissensions went even so far, that two opposite Parliaments were once to be seen sitting in different places, anathematizing each other, and promulgating opposite contradictory laws, to be observed by English Subjects in Ireland. It may be observed that some of the English Subjects of blood were possessed of considerable independent districts out of the limit of the Pale, which enabled them to oppose by main force the Government of the Colony, and even sometimes to attempt to call distinct Conventions or Parliaments. The most considerable among them were the Earls of Ormond, and of Desmond.

The Inhabitants of Ireland had therefore, in process of time, become to be divided into four different Classes:—The *Irishry*, or native Irish; the degenerate English; the English Subjects of blood, some of them,

as hath been above observed, possessed of considerable independent power;—and the English of birth, who were chiefly supported by the Government.

In the midst of the complicate quarreling, and promiscuous multiplied warfare, that took place between these four Classes, or their Leaders, the English Colony, or Settlement, continued to exist for above two hundred years in the same narrow extent; that is, till the end of the reign of King Henry the Eighth.

At the time of this Prince, the Pale consisted of no more than four Shires. Though *Munster* had been, in former days, nominally divided into Counties, the People, as Sir John Davies observes, had become so *degenerate*, as that no Justice of Assize durst execute his Commission among them. The sneering answer of Mac-Guire, Chief of Fermanagh, to the Lord Deputy, who was proposing to him to accept a Sheriff in his district, has been recorded: “Your Sheriff shall be welcome
“to me; but let me know the price of his head (his *Eric*), in order
“that if my People cut it off, I may fine them accordingly.”

John Allen, Irish Master of the Rolls, was directed by the Government of the Colony, to inform the King, that his laws were not obeyed twenty miles in compass. It was become a common expression among the inhabitants of Ireland, to say, that *They dwelt by-west of the Law, which dwelt beyond the river of the Barrow* (thirty miles of Dublin).

Henry the Eighth did indeed assume the title of *King* of Ireland, instead of *Lord*, which was the former stile, and had caused certain districts without the Pale, to be divided into Counties, or Shire ground. But this division was no more than nominal. The *Black-rent*, that annual tribute which has been abovementioned, continued during that Prince's reign to be exacted from the inhabitants of the borders of the Pale, by the surrounding Chieftains. The native Irish Chiefs even then continued to consider themselves as being so independent, that they made express *Treaties of peace* with the King and his Lieutenant:

Treaties of alliance were more than once made with them, for making war on the turbulent English Lords. One of these Chieftains, named *Mac-Gillpatrick*, and Lord of Oflöry, (in the neighbourhood of Wexford), conceiving himself on a certain occasion to have been aggrieved by the Earl of Ormond, then Lord Deputy, sent a declaration of war to Henry VIII. if he did not punish him: which declaration the Ambassador whom the Irish Chieftain had made choice of, delivered in good Latin to the King, as he was coming from Chapel.

As to the degree of obedience paid to the Government by the Lords and great Subjects of English blood, it may be guessed not to have been very great, from the nature of the covenant entered into by the Earl of Desmond with Henry VIII. in the thirty-second year of the reign of that Prince; which was, that he would suffer the law of England to be executed in his Country, and would permit the subsidies granted by Parliament, to be levied on his Tenants and Followers.

Such was the state of Ireland during the reign of King Henry VIII. and even during the reigns of King Edward the Sixth, of Queen Mary, and the first part of the reign of Queen Elizabeth. Yet all Writers, among them Sir John Davies, who was Attorney General in Ireland in the reign of James the First, agree in speaking of Ireland as having rightfully belonged to the English Crown ever since the reign of King Henry the Second. The Book published by Sir John Davies concerning Ireland, contains a continual contradiction from the beginning to the end. He calls the Kings of England from the reign of Henry the Second, “ Absolute Monarchs of Ireland, having in right all Royal and Imperial Jurisdiction there;” he brands the native Irish with the names of *perfidious Rebels, wicked and ungrateful Traytors*, throughout his Book: and all for what? because the Kings of England had conquered their Country: and yet his Book is purposely written to point out the causes why they had *not* conquered it. At the same time it must be acknowledged that Sir John Davies was a Man of very great abilities: greatly superior

superior to the generality of those persons who are usually employed in the management of public affairs; and notwithstanding his contradictory principles and perplexed arguments, his Work contains a deal of scattered truth and information.

The only way to form a true idea of Ireland, and of the dominion of the English Crown and Nation there, previous to the reign of Queen Elizabeth, and indeed of James the First, is by considering the English Colony that had been settled on that Island, in the same light as the Settlements, or Colonies, formed by Europeans in remoter parts of the World. It was a Settlement of the same nature as those at Senegal, or Goree, on the coast of Africa; or like Bombay, on the Coast and Country of the Mahrattas; or Madras, thirty years ago, on the Coast of the Carnatic; or the Dutch Settlements in the Island of Java, and at the Cape of Good Hope. But the justest idea that may be acquired of the nature of the English Colony in Ireland, from the times of Henry the Second, to those of Queen Elizabeth, is by comparing it with the Colony at New York, as it would now stand, if the late Treaty had not taken place, and the Americans, in conjunction with the North-Indians, did continue to beset its territory, and oppose the extension of the English Government. The North-Indians, in such case, would represent the Irishry; and the Americans would be the degenerate English,—or some of them the English Subjects of blood, according as it might suit them to keep some intercourse with the Government of the Colony. With this difference, however, that the Irishry were the more numerous Nation, and continued to occupy about two third parts of the Island.

During four hundred years Ireland continued to exist in the state which is here described. Sir John Davies's Work is entitled, *A Discovery of the true causes why Ireland was never entirely subdued and brought under obedience of the Crown of England until the beginning of his Majesties (James I.) happy raigne.* Among other causes he mentions

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the inconsiderable forces which were sent by the Kings of England for subduing the Country; in which he is certainly right. But when he proceeds farther, and produces as additional causes why Ireland was not brought under obedience, that the Irish laws and customs were not abolished, and those of England established in their stead, he is undoubtedly wrong.

This method of forcing their laws and customs upon conquered Nations, was never adopted but by such Conquerors as aimed at destruction, and were seeking pretences for it. The Normans, to mention an instance which Sir John Davies himself has introduced, after their invasion, suffered the Common Law of England to subsist in those cases which did not affect their Government. The reluctance shewn by the English Lords against having the laws of their Country altered in regard to a point in which not one of them perhaps was personally concerned, is well known: *Nolumus leges Angliæ mutare*, was their unanimous declaration. It may be added, that the attachment of the Irish to their laws was grounded upon more serious reasons than mere prepossession. They do not seem to have annexed to the right of *Property*, particularly in regard to land, the same ideas as we do. The laws of England, especially concerning *Descent*, were perhaps the strangest laws, and the most repugnant to their manner of living, that could be proposed to them: they should not therefore have been attempted to be forced upon them, especially in a hurry. This is a point which Writers have not perhaps sufficiently elucidated.

Neither were the attempts to abolish the manners and customs of the Irish, a very wise course of measures. The most absolute Kings have found the introduction of alterations in the bare article of dress, to be attended with the utmost difficulty, even in the precinct of their Metropolis, and of fortified Towns: in the open Country, especially at distance, it has ever proved a most dangerous undertaking.

The Laws and Statutes passed against those English persons who adopted the Irish customs and language, and claimed the support of the Irish laws, were not more judicious. Being settled up the Country, and mixed with the Inhabitants, how could they avoid complying with the customs of those Men whose countenance and assistance it behoved them to obtain, and obeying those laws and Governments to which, imperfect as they might be, they must resort for immediate protection? even in the precinct of the Pale, the Irish language had a constant tendency to become prevalent; and ordinances were frequently made for restraining the use of it. Sir John Davies goes so far as to regret that the *Forest-laws* were not established in Ireland, because those laws, together with their penalties, might perhaps have helped to civilize the Irish. Sir John was both a Lawyer, and a Magistrate. He talks in a very easy manner, of *maistering the Irish by the sword*, and of *breaking them by warre, in order to make them capable of obedience and good seede*: but his opinions, upon the whole, appear too much like the language of a Man who is intent upon dictating those Laws with which he is acquainted, and extending the sphere of his business and profession.

It may be added, that the Irish Chieftains were extremely well disposed, of themselves, to be governed by the Kings of England. None of that fierce spirit of resistance and rivalry was found among them, which was experienced from the Scots, who were a more civilized Nation. Sir John Davies has taken notice of the remarkable readiness with which they resorted to those English Kings (Henry II. King John, and Richard II.) who came over to visit Ireland. They were proud in fact, both to enter into alliance with the King of England, and to pay him a tribute or annual present, as being a greater Man than themselves: a notion this, natural enough; and which, to this day, prevails throughout the East: they were besides particularly pleased with having some dependence on an English King, as they seem to have considered it as forming a kind of connection, or tie, between them and the Nations

Nations of Europe, and in short, with the rest of the World. The Kings of England would have acted with more justice, more glory, as well as more advantage to themselves, if they had been satisfied with the quality of Arbitrators between these Irish Rulers or Chiefs: an office to the discharging of which a small force would have been competent, considering the equal manner in which their strength and resources were balanced among themselves. Better customs, and laws more favourable to the improvement of their Country, should, together with proper invitations, have been held out to them; and time trusted to, for their accepting them. Instead of this, Adventurers were poured into Ireland, who, partly by their avidity, and partly by their ignorant laws, rendered pacification impossible.

Another fact may be mentioned in this place; which is, that Henry VIII. found no difficulty in inducing the independent Irish Chieftains to acknowledge his Supremacy, and the capacity he assumed, of Head of the Church; which is a remarkable fact, and shews that they were not influenced by any violent spirit of innate bigotry and bloody opposition, in regard to religious matters. Some also covenanted with the King to admit English Judges, or *Arbitrators*, in their districts, provided they should follow the Irish laws: which is another remarkable circumstance. Such Arbitrators, or *Orderers*, were accordingly appointed, and directed to let the English law aside, because, it is said in the preamble of the Ordinance, the Irish were not yet sufficiently acquainted with these laws to live in conformity to them. (*Quia nondum sic sapiunt Leges et Jura, ut secundum ea jam vivere possint.*) This was wise policy, though Sir John Davies but indifferently approves of it; and it had been, no doubt, adopted as an expedient to induce the Irish to acknowledge the King's Supremacy.

At the same time we mention, Henry VIII. assumed the title of *King*, instead of *Lord*, of Ireland, which the Kings of England had till then used. Writers on Irish affairs have agreed in supposing that

that the readiness with which the Irish Chiefs acknowledged the King's claim to Supremacy, though he had no forces in Ireland by which to overawe them, was owing to their being so pleased and dazzled with this new title of King. Sir John Davies hath first suggested this idea; which subsequent Writers have adopted, as they have done all Sir John's other opinions. But it is not likely that the change of a title, or simple word, in a foreign language which they did not understand, might very seriously influence the minds of the Irish Chiefs, and affect the nature of their Treaties and Covenants with Henry the Eighth: besides, the word *Dominus* (Lord) is a higher sounding word in the Latin language, than that of *Rex* (King), which used to be bestowed on the Irish Chiefs themselves: the Latin tongue was the language used in the intercourse with the generality of the Irish Chieftains, as their Priests were able to understand it.

The willingness of the Irish Chiefs to comply with the wishes of Henry VIII. in the affair of the Supremacy, was owing to another cause: it was owing to that Ordinance, or Covenant with them, being passed, that has been above mentioned, by which their native Laws were in future to be respected. The Irish Chiefs and Tribes had now cause to think that the King might be safely trusted to,—that he was determined in future to overrule his Advisers and his Lawyers, and that those national Laws by which Property continued to be insured among them, and those customs which they had imitated from their Forefathers, would no longer be made pretences of, for harrassing them by unjust, ignorant, hostilities, and breaking Treaties entered into with them. Obliging the King, in such circumstances, in regard to his lately assumed Supremacy, they considered as an advantageous bargain.

The true reason of Henry VIII. for using the title of *King* of Ireland, was no other than to set aside, at the same time, the old title of *Lord*, which the Popes had conferred on the Kings of England, in that Bull by which the Sovereignty of the Island had been bestowed upon Henry

the Second. The King undoubtedly judged, that, setting aside a title which had been conferred by Papal authority, became a necessary measure, when he thought proper to renounce that authority both in England and Ireland. If the Pope now attempted to take the Sovereignty of Ireland from him, in the same manner as it had been formerly conferred, his Holiness was to be disappointed: there was no longer a *Lord*; it now was a King.

At length, in the reign of Queen Elizabeth, an army was sent which thoroughly effected the conquest of Ireland. The English Government, in effecting that conquest, had the best plea for justifying their conduct, that Conquerors can possibly alledge; which was the necessity of circumstances, and considerations derived from their own defence and safety.

The violent measures that had been pursued in the reign of King Edward VI. in order to establish the Protestant religion and liturgy in Ireland, had given rise to a considerable degree of disaffection among all persons of English race in that Country: the alarm had been extended to the Irish Tribes; and such a spirit of universal combination and opposition to the English Government, was beginning to take place in the reign of Queen Elizabeth, as had been unknown in former periods.

This disposition of people's minds offered a favourable opportunity to Philip II. King of Spain, for promoting his hostile designs against England. Partial invasions of Ireland were attempted by the Spanish Government several years before the sending out of their *invincible Armada*; and a Spanish Colony had even been settled from remote times, on the South-west part of the Irish coast. Spain, of all foreign Countries, is the most favourably situated for an intercourse with Ireland. The Spanish coast stretches so far out into the Atlantic Ocean, as to lie to the Westward of most of the Irish harbours. Westerly winds, that is, those winds which mostly prevail in that part of
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the world, are favourable winds for coming from Cape Finisterre to Corke, Waterford, &c. The Northern Spanish shore in fact lies both East and West of the Irish coast; and Spain is better situated for constant communication with Ireland, than France, or perhaps than any English harbour within the British Channel. Had the Spanish Armada attempted Ireland, they would have made a certain conquest of it. After the miscarriage of that Fleet, another might have been sent, which, assisted by the now universally disaffected Inhabitants, might have met with success. Nay, an army of several thousand Spaniards were actually sent, attended by a Pope's Nuntio, who got possession of Kinsale. And England thus found herself in danger of being beset, on East and West, by the power of Spain, so formidable in those days, and of lying in the middle between the land forces of the Spaniards, then centered in the Netherlands, and their naval strength and armaments, stationed in the harbours of Ireland. These considerations determined the English Government to make uncommon efforts to secure the possession of Ireland. Very considerable subsidies were voted by Parliament for that purpose; and an army of twenty thousand men, completely well provided, was sent, which, assisted by the advantages and footing already possessed by the Government in the Country, and by other favourable circumstances, effected a thorough reduction of all the different Lords and Chiefs who till then had ruled in the Island.

However, Queen Elizabeth did not live to see the conquest of Ireland brought to a thorough conclusion: for, the final capitulation with the great Chieftain O'Neal, was not signed till a few days after her death.

James the First is, therefore, to be named as the first English Sovereign who possessed the dominion of Ireland.

At this æra, all violent opposition to the Government, was put an end to. The spirit of Irish resistance was braied, to use the expressions of Sir John Davies, as it were in a mortar, with the *Sword*,

Famine, and Pestilence, altogether. The Law now penetrated into every remote corner of the Island.—Justice, the sword having first cleared the way, took the whole Country in her progress, in the same manner as the *Virgo* moves in the Zodiack preceded by *Leo*, as Sir John classically and elegantly expresses it; and the Judges were now enabled to proceed round the whole Kingdom, like Planets in their extensive Orbits; whereas their Circuits had till then been confined to the small precinct of the Pale, like the narrow circle which the *Cynosura* describes about the *Pole*.

At the same time that the power of the Judges and of the English Government was thus extensively fixed, the *leud* Irish laws and customs were abolished, and the English laws established in all cases without exception, through the whole Island. Lawyers had then business enough; and even more than enough. The Harvest was great, to use once more the expressions of Sir John Davies, but the Labourers few; (*Magna messis, sed Operarii pauci*) and “the number of the Judges was increased in every Bench*.”

As a further step for the settling of Ireland, numerous Colonies were sent from Great Britain to occupy the lands which had been taken from those Tribes and Chieftains who had been more particularly engaged in the war that had been lately terminated. King James gave uncommon attention to the framing of the Ordinances that were made for the proper settling of these Colonies; and all Writers have agreed in praising the judicious measures that were adopted, and in considering the zeal and success of the King in that respect, as the most laudable part of his reign.

* The power of the Law and of the Judges, did not become, however, quite so completely established in Ireland, at the beginning of the reign of James the First, as Sir John Davies describes it. Several insurrections took place in this reign, that were raised by Irish Chieftains: though they were quelled without any great difficulty, as their power and resources had been so broken by the late war.

The power of the English Government and Crown being now universally and indisputably established, there was a probability that the enmities of former parties would be in time forgotten, that those Inhabitants who had been compelled to adopt the English laws, would gradually perceive their advantages, and that a lasting peace might prevail in Ireland. But events had unfortunately taken place within the last fifty or sixty years, that were soon to disturb this peace, and give rise to animosities and contests as obstinate and bloody as those that had been lately terminated. It is here meant to speak of the religious dissensions, caused by the introduction of the Reformation into Ireland.

The first attempt to introduce the Reformation into Ireland, was in the reign of King Edward the Sixth. Henry VIII. being satisfied to have his supremacy acknowledged, and the authority of the Pope renounced, did not take any measure to enforce a farther change in the opinions of his Subjects in Ireland. But, in the reign of Edward the Sixth, orders were sent for using the English liturgy in all the Churches of the Colony, that is, of those districts wherein the authority of the English Government was acknowledged. Directions were also given for removing, selling, or destroying, the ornaments, and the instruments of popish superstition: and the Soldiers who composed the garrisons stationed in Ireland, were employed for effecting these removals and destructions, which they performed with their usual zeal and alacrity in executing commands of this kind. In the mean time, Sir Anthony St. Leger, the Lord Deputy, was recalled, on account of his not being sufficiently assiduous in promoting the work of the Reformation.

In the reign of Queen Mary, the tables were reversed. The Latin liturgy was reinstated in the Churches, and their ornaments were restored. Protestants were, nevertheless, allowed to live sufficiently unmolested:

molested: they were not numerous enough in Ireland, to make persecution a profitable business.

In the reign of Queen Elizabeth, a fresh change took place; and the Churches were again denuded of their ornaments.

James the First pursued the same business of Reformation: but as the King's power in Ireland was now so far increased beyond what it had formerly been, so the measures for altering the religion of the Country were attended with more important effects. The directions concerning the Reformation, sent by the preceding Sovereigns, had only been enforced in the districts and Churches within the Pale: the orders sent by the Council of James the First now extended to the whole Island.

The principal measures that were adopted at the time of that Prince, for raising the Protestant, on the ruins of the Catholic, Religion, in Ireland, were the following:

In the first place, the Colony that was sent from Great Britain, to settle on those lands which had been seized by the Crown, as hath been above mentioned, was formed of Protestants; and a great many of them Presbyterians: a small Colony, formed on the same principle, had also been sent in the reign of Queen Elizabeth, to settle on the lands that were taken from the Earl of Desmond, a rebellious great Lord and Subject of blood, when he was subdued and attainted with one hundred and forty of his adherents, some years before the great war against the native Irish. The Protestant party by that means acquired that kind of strength, and weight, which results from considerable numbers. For, it is to be observed that there were scarcely any Protestants among the old English inhabitants of Ireland, and they were still fewer among the native Irish: the Reformation had made no progress whatever in Ireland.

In the second place, the majority, in the Irish Parliament, was allotted to the Protestant party, through the manner in which the Par-

liament was now composed, and in which the right of election was conferred on new erected Counties and Corporations.

There had been no Parliament held in Ireland for twenty-seven years before the time we are speaking of, which was the eighth year of the reign of King James the First. The Protestants were so few in Ireland, in Queen Elizabeth's time, that the Government of the Colony could not venture upon calling a Parliament: there was too little certainty of getting a majority on the Protestant side, even with the power possessed by the Crown of erecting new Counties and Corporations: this had been the cause of the long intermission of Parliaments that has been above mentioned. The Council of James the First, in the eighth year of his reign, had a more advantageous scope, now that the Island was universally subdued, and a numerous Colony of the Protestant Religion had been introduced, that was settled upon extensive tracts of land. New Boroughs were erected in those quarters occupied by the new Settlers. Even then the Government found themselves, at first, mistaken in their reckoning, through the remarkable ardour with which the opposite, or Catholic, party exerted themselves, especially in the elections for Counties: elections were lost where there was thought to be little danger of it; and even Privy-counsellors excluded. The disappointment was made up by speedily erecting fresh Corporations, or Boroughs, and conferring upon them the right of electing Members. Hence the complaints made afterwards by the Catholic party, that several new Corporations which had sent Members, had been erected, in order to the sending of precepts to them for elections, after the first issuing of the Writs for calling the Parliament.

By this exertion of all their resources, the Irish Government obtained a majority in the Lower House. On the first day of meeting, the Members of the Catholic party were found to be 101; and those in the Protestant interest were 125. The Catholic party being both greatly surprised and disappointed at finding themselves the minor number, at
first

first refused to recognize those new Brethren that had been sent them by the new erected Corporations: a scuffle even took place in the chairing of a Speaker; each party putting forth a different person. But as the place of the meeting was in the Castle, as they were surrounded by a Protestant garrison, and all attendants had been dismissed, as well as swords left at the gate, the Catholic party were fain to submit. In the House of Lords, there were four Earls, five Viscounts, and sixteen Barons; in all twenty-five: to them were added twenty-five Protestant Bishops and Archbishops.

In order to complete the same course of measures, the penal Statutes that had been passed in the reign of Queen Elizabeth, were put in force. By virtue of these Statutes, no Man who refused to take the oath of Supremacy, could be invested with an Office in a Corporation, or be a Justice of the peace, or a Magistrate: he was not to be a Privy-counsellor, nor to be preferred to any Post in the Government: if a Lawyer, he was not to be admitted to plead at the bar, or to fill the office of Judge. All the higher dignities of the Church, together with Church livings, and Church emoluments, were moreover allotted to the Protestant Clergy, as a reward for their orthodoxy. A weekly fine was also to be laid upon every person who should neglect to attend the Church service.

By all the above ordinances and measures, the Protestant became established, to the complete exclusion of the Catholic Religion. And at that period arose those formidable party distinctions of Catholics, and Protestants, into which the Inhabitants of Ireland have since been divided.

The Protestant party was, on the one hand, formed by those Colonies that had, of late years, been settled in Ireland. They had on their side the strength of the Colonial Government, which was formed only of themselves; and the majority in the Parliament of the Island.

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On the other hand, the Catholic party was formed of the whole mass of the Inhabitants of Ireland, previously to the settling of the above Colonies: for, as hath been already observed, there were no Protestants in Ireland before that time: this will, very likely, induce the reader to think that it was not very wise to try to render the Protestant Religion universally dominant, in a Country so circumstanced.

At the period we are speaking of, the old distinctions of native Irish, degenerate English, English of Blood, and English of the Pale, were forgotten, and lost in the general denomination of Catholics. An union was now formed between the Irish Chieftains and Tribes, who, after losing their lands and their laws, were now to lose their religion, and the whole of the old English Colony, whose Lords and Men of influence were now to lose their consequence, whose Lawyers and Priests were thrown out of employment, while the numerous Commonalty had their Churches taken from them, and were insulted by penalties for not conforming to the religious rites of their Opponents. All were now united together under the common banner of the Catholic Faith, and turned their eyes towards the Protestant party as a common aggressor and enemy.

The resources of the Protestant party, for maintaining their ground, in the midst of so formidable a confederacy, could not be in their number; for, though considerable in itself, it bore no kind of proportion to those of their Catholic Opponents. And the advantage they possessed of forming the Colonial Government, and of having a majority in the Parliament, was only a strength of an artificial kind, which, without farther support, could not subsist long. Their real effectual resources were to be in their moderation, and in the support of the English Government. Of moderation, it appears from what has been above recited, that they had but little. Nay, they had none; for, when they found that the English Council of James the First was beginning

to use for their sake a wisdom and caution which they did not themselves possess, they proffered addresses against the “grievous sin of granting toleration to superstition and idolatry, and of being accessory to the abominations of Popery.” On the arrival of Lord Falkland, who had been sent as Lord Deputy, with general directions, it was thought, to pursue gentle measures, Archbishop Usher, in his first sermon before him, took for his text the words, *He beareth not the sword in vain.*

The final resource of the Protestant Reformers was in the ultimate support of the English Government: and, since it had been able to conquer the Island, it was natural to suppose that, by seriously exerting again its force, it might be able to preserve the conquest. But should that Government happen to be weakened in its seat by domestic dissensions, should its pressure and weight be at any time lessened, that fire which was kept smothered, must no doubt burst out; and terrible must be the explosion.

In the night of the 22d of October 1641, the Irish civil war began. Violent measures of the kind we are here speaking of, should never be attempted to be justified in writing: I shall therefore leave the sudden insurrection that broke out, in Ireland, in the seventeenth year of the reign of Charles the First, under the whole load of odium and maledictions which Writers have bestowed upon it.

The native Irish had begun the insurrection; and they were joined soon after by the old English Colony, the Lords, and the inhabitants of the Pale: the junction of these had been at first postponed by the miscarriage of the attempt upon Dublin. The Catholic party in Ireland were in reality stretching a hand to Charles the First. But this Prince was not able to see this. While under the pressure of the war waged against him by the English Parliament, and by his Scottish Subjects, he continued for years to consider the Irish and their Confederates,

as his enemies, and to give directions accordingly. When he had thoughts, at length, of employing their assistance, in the year 1645, it was become too late.

The Irish Insurgents had on the first onset, as hath been above mentioned, failed of seizing the City and Castle of Dublin. Armies of Scots had crossed the Straits between their Country, and the North coast of Ireland. Both the Loyalists, and the Parliamentary party in the Island, continued for a long time to unite against them and their Confederates. Assistance was sent by the English Parliament, as soon as they were able to spare it. Cromwell, with his Generals, in time followed; and an army of above thirty thousand foot, and fifteen thousand horse, was either transported or formed in Ireland, by which an end was put to the war in the year 1652, and Ireland conquered a second time.

New Colonies were transported into Ireland to occupy the lands that were either taken from the Catholic insurgents, or had become vacant by the destructive effect of the war, and the calamities that attended it. Sir William Petty mentions it as the most moderate calculation, that one third of the Inhabitants of Ireland had perished by the sword, famine, or the plague. Certain Writers have gone so far as to assert that only one eighth of the native Irish were left at the conclusion of the eleven years war that was terminated in the year 1652. This account must be exaggerated. However, all those native Irish who were existing, in different parts of the Island, at the time of the settlement made by Cromwell, were commanded to retire into the Province, or Division, of Connaught; which lies on the Western coast; and had become desolate, and almost destitute of inhabitants. They were obliged to give up their lands and titles to the Conquerors; and those assigned to each of them, were proportioned to the extent of those he surrendered. A certain day was also fixed for them to retire, upon the penalty of death.

The whole measure was an event of much the same kind as the expulsion of the Moors out of Spain. With this difference, however, that the Nation of the Moors had, about eight centuries before, been invaders of Spain, and were now driven out of it to a remote Country; whereas, the native Irish had been, time immemorial, in possession of their Island, and had now about one fifth part of it allotted to them.

At the period we are speaking of, the interest and power of the Old native Irish, as a distinct class of Inhabitants, was entirely broken; their numbers being from that time greatly exceeded by those of the Old and New Inhabitants of British race. They have continued to have consequence, as a distinct Class, by their alliance with the British Catholics, and their continuing to form a considerable part of the Catholic party.

Sir William Petty reckons, that, before the year 1641, the numbers of the Catholic party, in Ireland, was equal to about six times the number of the Protestants; and that, at the time of the Restoration, it was about four times *.

After the Revolution of the year 1689, another civil war took place in Ireland. It is not quite improbable that the remarkable willingness of James the Second, to withdraw from England, was owing to a settled design he entertained, of trying his fortune in that Island. The step taken by Charles the First, of trusting himself, in his distress, to an army of Scottish Presbyterians, instead of applying to the Irish,

* The injunction laid on the Old native Irish, to keep within the limits assigned to them, continued to be very strictly enforced till the Restoration; that is, during eight years. At that period, some among them got their lands back, in refunding their expences to those Adventurers who were in possession of them: and a free intercourse was re-established between them and the rest of the Island. Still, the Province of Connaught may be considered as continuing to form, at this day, their main Habitation or Settlement.

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while it was yet time, had very possibly continued to be looked upon in his family, as one of the worst faults he had committed.

In the beginning of March 1689, that is, about two months after he had left England, James the Second sailed from Brest with seventeen ships of war; and landed at Kinsale, on the twelfth.

He found the legal Government of the Country on his side. By altering the Charters of the Corporations, in the beginning of his reign, a majority had been procured in the Parliament to the Catholic party. The Earl of Tyrconnel, who was Lord Deputy, had already taken arms in his favour; and met him at Cork, where he delivered up his authority to him.

James the Second soon found himself at the head of forty thousand Soldiers; and with these forces he marched, first to Dublin, then to the North of the Island, where the strength of the Protestant interest lay. On receiving the news of the Revolution in England, the Irish Protestants had proclaimed William and Mary. They were afterwards assisted by an army from England, which sailed from Chester, under the command of Duke Schomberg; and King William followed, about eight months after (in June 1690) with considerable reinforcements.

James the Second was defeated on the banks of the Boyne. He soon after withdrew in a frigate belonging to the King of France, resigning Ireland to his Competitor, after a stay of about sixteen months since his landing at Kinsale. Considering the almost sure prospect of success he had during the first six months, his miscarriage must have been in great part owing to his want of abilities: but it may be added, that, had he possessed abilities and judgement, he never would have had in his life any occasion to command an army in Ireland.

The war was continued about a twelvemonth longer, between the Generals whom King William had left to supply his place, and the French and Irish forces. At length, the taking of Limerick put an end to the war. The celebrated Capitulation, otherwise called the Articles of

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of Limerick, was signed on the third of October 1691. This capitulation was to form the law by which the rights left to Roman Catholics, in Ireland, were in future to be decided, and the Charter by which those rights were to be limited, and at the same time, securely established.

The principal Articles were, That the Roman Catholics should exercise their religion, in the same manner as they did in the reign of Charles the Second: that they should enjoy the common privileges of Subjects, being bound to take the oath of allegiance to the King, when required: and that they should have a right to have arms about their persons, or in their houses, like other Subjects.

These Articles, or Conditions, of Limerick, continued to be observed in King William's reign; and this Prince constantly resisted the endeavours of the prevailing party in Ireland, for having them repealed. Indeed, the fixed inclination of that Prince for religious toleration, does honour to his memory, and forms the greatest part of his character as a King. He received his reward for it, too. The general opinion which people entertained of his dispositions, enabled him as effectually perhaps as any other circumstance, to go safely through his reign, and to surmount the difficulties with which he was surrounded. Owing to his avowed tolerant intentions, no religious party was driven to desperation and extremities; and amidst the reciprocal aggressions of the different Sects upon each other, suffering Individuals continued to look up to him as to a Protector, or at least a person who wished to be so.

When the Commissioners from Scotland tendered the Coronation oath to King William, for that Kingdom, he stopped them, as they were reading that Article in which the *rooting out of Heretics*, was mentioned. He declared he did not mean to bind himself by it, to persecute any person for his religious opinions; and desired the Assembly present, to mark his declaration, and be witnesses to it. This was

acting with spirit, considering that he had in a manner but just received his Crown; and with great judgement.

The just line of conduct, in regard to Roman Catholics in Ireland, we have above mentioned, ceased to be pursued in the reign of Queen Anne. Several Acts of the Irish Parliament were passed by which the Conditions of Limerick were gradually violated. And at length the famous Laws of *Discovery* were enacted, by which the triumph of the Protestant over the Catholic party was finally completed, after an hundred and ten years struggle.

By these Laws, the Roman Catholics were absolutely disarmed. They could not purchase land. If one Son did abjure the Catholic religion, he inherited the whole estate, though he was the youngest. If he made such abjuration, and turned *Discoverer*, during the lifetime of his Father, he took possession of the estate; his Father remaining a pensioner to him. If a Catholic had a horse in his possession, worth fifty, or an hundred pounds, or more, a Protestant might take the same from him, upon paying him down five pounds. If the rent paid by any Catholic was less than two thirds of the full improved value, whoever *discovered*, or turned Informer, took the benefit of the lease, &c. &c.

Three different periods may be distinguished in the History of Ireland. The first comprehends the time that elapsed from the first introduction of the English into Ireland, in the reign of Henry the Second, to the reign of King James the First; when the authority of the English Government was generally established. The second period reaches to the reign of King William: during this period the Protestant and Catholic parties were formed, and alternately triumphed over one another, till the Catholic party was overcome.

From the æra we mention, the affairs of Ireland have taken rather an unexpected turn, and different from what one might have thought. The animosities of former parties have seemed to be forgotten. The struggles between Catholics and Protestants have been suspended, or

at least have made little noise in the World. Questions of politics have engrossed the public attention; and the rescuing of themselves, as a Nation, from a dependency on England, has become the object of the zeal and universal pursuit of the Inhabitants of Ireland.

Complaints against the interference of the English Legislature, had been made by Individuals, in sufficiently early times, in Ireland; particularly during the sitting of the Long Parliament in the reign of Charles the First: but these complaints had not been generally insisted upon.

In the reign of Charles II. the Act prohibiting the cultivation of Tobacco in Ireland, and the Navigation Act, in which Ireland is expressly named, were passed. These Acts, or at least their constitutional and political tendency, did not yet cause any great discontent in Ireland.

In the reign of King William several Acts were passed, by the English Parliament, in which Ireland was bound. One was intitled *An Act for the relief of the Protestant Irish Clergy*: it repealed the Act passed by the Irish Parliament, in the reign of Charles the Second, *for disabling spiritual persons from holding benefices in England, and Ireland, at the same time*: it was meant to enable those persons of the Irish Clergy, who were driven out of their Country by the war in 1689, to receive benefices in England. Another English Act prohibited all trade with France, both from England and Ireland. Another declared all the Acts of the Parliament held at Dublin by James the Second, to be void, without the present Irish Legislature being consulted. And a fourth English Act was, *for abrogating the Oath of Supremacy in Ireland, and appointing other Oaths*. All these Acts did not excite yet any considerable sense of public dissatisfaction in Ireland: no complaints were made against them in the Irish Parliaments that met in the years 1692, and 1695.

In the following years, however, the political tendency of the above mentioned English Acts, and the national dependence on England
which

which they seemed to evince, happened to engage very seriously the public attention in Ireland. This attention, as well as the general dissatisfaction, gradually increased. And at length, in the year 1698, the famous Pamphlet written by Mr. Molyneux, was published, which is entitled, *The Case of Ireland being bound by Acts of Parliament in England, stated.* This Pamphlet, together with the high degree of notice that was taken of it by the English House of Commons, may be considered as having been the public opening of the controversy, and the political contention, between England and Ireland, since the beginning of this Century.

It is to be observed that there was, besides Mr. Molyneux's publication, another fact of a serious nature, though not very generally known at first to the Public, which caused the interference of the English House of Commons. The Irish Parliament, dissatisfied with the above recited Acts that had been passed in England since the beginning of the King's reign, had transmitted to the King in Council, for his Majesty's Assent, the Heads of a Bill, which, under colour of giving a farther sanction to those Acts, was meant as a kind of precedent, or declaration, for excluding afterwards the authority of the English Parliament out of Ireland. The opportunity of the appearance of Mr. Molyneux's publication was taken; a Committee of the House of Commons was appointed on the 21st of May 1698, to enquire into the Book; and, upon the report of the Committee, the House 'unanimously resolved,

' June 22, That the said Book was of a dangerous consequence to
' the Crown and People of England, by denying the authority of the
' King and Parliament of England to bind the Kingdom and People
' of Ireland, and the subordination that Ireland has, and ought to have,
' upon England, as being united and annexed to the Imperial Crown
' of this Realm. And that, occasion and encouragement to forming
' the dangerous positions contained in the said Book, had been given

‘ by a Bill entitled *An Act for the better Security of his Majesty’s person and Government*, transmitted under the Great Seal of Ireland;
 ‘ whereby an Act of Parliament made in England was pretended to
 ‘ be *re-enacted*, alterations therein made, and divers things enacted also
 ‘ pretending to oblige the Courts of Justice, and Great Seal, of England,
 ‘ by the authority of an Irish Parliament.’

The House then, in a Body, presented an Address to the King, in which they enlarged both on the Book and *its pernicious assertions*, and on the dangerous tendency of the proceedings of the Irish Parliament. They concluded with ‘ assuring his Majesty of their ready concurrence
 ‘ and assistance, in a parliamentary way, to preserve and maintain the
 ‘ dependence and subordination of Ireland to the imperial Crown of
 ‘ this Realm.’ The answer of his Majesty to this address, was, ‘ That
 ‘ he would take care, that, what was complained of, might be prevented
 ‘ and redressed as the Commons desired.’

Thus was the political war between the two Countries ushered in,—and the gauntlet thrown by one Party, bravely taken up by the other.

In the year 1719, another public important case of controversy occurred. It was the English House of Lords, who interfered this time. A cause relative to an estate was tried before the Court of Exchequer in Ireland, who gave a decree in favour of Maurice Annesly against Hester Sherlock. The House of Lords, in Ireland, was appealed to: they reversed the decree; and Hester Sherlock was put in possession of the estate. Maurice Annesly applied to the House of Lords in England, for relief: the House, proceeding upon the principle that the Peers of Ireland possessed no power of Jurisdiction, confirmed the decree; and an Order was sent to the Barons of the Exchequer in Ireland, to cause the possession of the estate to be restored to Maurice Annesly; which Order they were able, after some time, to effect. Hester Sherlock petitioned the House of Peers in Ireland: they ordered the

three Barons of the Exchequer, *Jeffrey Gilbert*, *John Pocklington*, and *Sir John St. Leger*, into custody; and sent a representation of the case to the King. This representation was laid before the English House of Peers: who, after addressing the King, to desire that he would be pleased to confer some marks of his Royal favour on the Barons of the Exchequer, framed a Bill, of which the following is an abstract.

‘Whereas Attempts have been lately made to shake off the subjection of Ireland, unto the Imperial Crown of this Realm: And whereas the House of Lords in Ireland have of late assumed, against law, a power to examine and amend the Judgements of the Courts of Justice in Ireland: Therefore, be it enacted, that the said Kingdom of Ireland is subordinate unto, and dependent upon, the Imperial Crown of Great Britain; and that the King’s Majesty, by and with the consent of the Lords and Commons of Great Britain, has full power and authority to make Laws and Statutes to bind the People and the Kingdom of Ireland. And be it farther enacted, That the House of Lords of Ireland have not any Jurisdiction, to judge of, affirm, or reverse, any Judgement or Decree given in any Court within the said Kingdom.’—The Bill having met with the concurrence of the Commons, and received the King’s assent, became an Act of Parliament; so that the claim laid by the British House of Peers, to Jurisdiction over the Kingdom of Ireland, was, in case of future opposition, to be backed by the whole strength of Great Britain.

In the years 1751 and 1753, another remarkable contest took place. The difference was this time with the Crown. The subject was an unappropriated sum of money, remaining in the Irish Treasury, after the expences of Government were paid. Whose property was that money? who was to dispose of it,—the Crown, or the Irish Parliament? That was the question.

The Crown looked upon the money as being its property: and as it was not then wanted, it being time of peace, the Duke of Dorset,

then Lord Lieutenant, acquainted the House of Commons, that he was commanded by his Majesty to inform them, that his Majesty would consent that the money remaining in the Treasury should be applied to the discharge of their national debt. The House passed a Bill accordingly; but avoided saying any thing about the King's previous declaration. The Bill was transmitted to England, and was returned, that is, assented to, with the additional mention, however, of the King's preparatory leave and consent: the addition was submitted to, this time, and the Bill accepted in the Irish Parliament.

The question continued nevertheless to be warmly discussed among Politicians, till the following Session, that is, during two years: it was called the question about the *previous consent*: it was in reality about the property of the money remaining as a surplus, in the Treasury. When the Parliament again met, in the year 1753, the Lord Lieutenant made the same Declaration he had made two years before. The Commons, in appropriating the new surplus money, again avoided taking any notice of the King's previous licence: the mention of it was, as formerly, added by the English Privy Council. The Irish Commons this time rejected the Bill. The Crown then exerted its right, or claim, to the property of the money: and the King, by his letter, took it out of the Irish Treasury. The question was, however, of more importance to the Crown, than one might perhaps at first think. If the Irish Parliament had possessed a right, of themselves, to appropriate the overplus of money in the Treasury, the right to dispose of the whole must have been allowed of course, and the hereditary revenue would thereby have been rendered precarious.

We have recited the woes and oppressions of the Irish Nation; we are now to relate their conquests and their victories.

But before giving an account of the remarkable alteration in politics, that has, of late years, taken place in Ireland, it may not be amiss to mention the reasons of the long acquiescence of the Irish Legislature

in the Supremacy asserted by the English Parliament: for, it is to be observed that even the declarations of the Parliament of England, or Great Britain, we have just recited, were submitted to by the Parliament of Ireland. Those steps they had taken, which had drawn these declarations, were no more than mere attempts to alter their political situation: whatever public clamour might take place on those occasions, still the declarations and measures of the British Legislature, and the Crown, were acquiesced in.

In early times, the Irish Parliament and Colony could entertain no thoughts of independence and rivalry in regard to the English Nation and Legislature. That Parliament only represented the four small Shires that formed the Pale. It was summoned for the first time, according to Sir John Davies's account, (which is more likely to be true than any other) when an army of Scots, commanded by Edward Bruce, attempted an invasion of Ireland, about 140 years after the first introduction of the English, in the reign of Henry the Second *. The Irish Chieftains had nothing to do with that Parliament; nor the degenerate English; and those Lords of English blood who were possessed of extensive tracts of land out of the Pale, did not think the receiving of summons any very honourable circumstance: the Earls of Desmond even made it an express privilege of theirs, never to come to any Parliament, or walled Town, but at their will and pleasure. The Parliament of Ireland, previous to the times of James the First, was in reality no more than a Colonial Assembly.

In the reign of the Prince we have just mentioned, the whole Island having been divided into Counties, and Boroughs erected in these, the

* See the Discourse addressed by Sir John Davies to the Irish House of Commons, to which he had been elected Speaker. it contains a very pretty account of the formation of the Parliament of Ireland, and of the designs of its meetings, in subsequent times. It is printed at the end of the second Volume of Dr. Leland's *History of Ireland*.

Parliament of Ireland may be considered as having then begun to represent the Kingdom. But their consequence could not be such as to enable them yet to think of independence: they stood besides actually in need of the authority of the English Legislature, and of the sanction of English Acts of Parliament and Statutes, for settling their Country. During the Century that followed, Ireland either became the seat of civil wars, or was recovering from the devastation which they had occasioned.

Since the beginning of the present Century, Ireland has acquired great importance as a separate Kingdom and Nation. Ireland is equal, in the numbers of her inhabitants, to Scotland, and possesses some superior advantages in regard to climate and goodness of soil: still, reasons have existed, which have prevented there, till these latter times, the rise, or at least the exertions, of that spirit of restlessness and violent National jealousy which used to take place in Scotland, and has constantly been manifested by those Nations who, being possessed of considerable internal power, have been precluded from being the seat of the Government.

In the first place, the prevailing Interest in Ireland, even after the Catholic party had been subdued, were kept in a constant state of alarm from the numbers and effectual strength of that party. The degree of serious attention that continued to be given to that object, conspicuously appeared from the manner in which the Crown was settled on the House of Hanover by the Irish Parliament. The reader has seen in a former place, how great an advantage the Scots had taken of the event we mention, in regard to the English Nation, and to the Crown: they had stripped the latter both of its legislative and executive authority in their Country. The Irish Parliament, on the first proposal made by the Lord Lieutenant, in the beginning of Queen Anne's reign, confirmed that Settlement which had been fixed upon in England; only adding another Act, by which Roman Catholics were disqualified from

from serving as Members of Parliament, and from voting at elections: they also availed themselves of those particular periods of time, in the same reign, when the present establishment happened to be thought in danger, for obtaining farther laws against the Catholics, and at last, those laws of Discovery which have been above mentioned. But they went no farther; even though the quarrel with the English Parliament, about Constitutional Supremacy, had been already seemingly engaged, a very few years before, on occasion of the publication of Mr. Molyneux's Book, as hath been above recited.

At the same time that the Irish, as a distinct Nation, were thus weakened by their own internal division, Great Britain either continued at peace with the rest of the world, or was so successful in her foreign wars, till the year 1763, that the internal security of her Administration was rather increased by them; while her outward force was augmented to a degree that precluded all thoughts of open defiance and overt opposition in any part of the Empire, to the operations of her Government.

Besides those disadvantages in fact, Ireland and her Parliament laboured under others, in point of form. An hereditary revenue had been settled upon the Crown, in the reign of Charles the Second, which was more than equal to the expences of the internal Government of the Island: the Irish Parliament were therefore possessed of no effectual means to ascertain the time of their sitting, as they had no power to stop necessary supplies, either presently, or after the expiration of a certain time prefixed by them. Neither had the Crown any want of their concurrence, either for regulating, or increasing, the army in Ireland; as the practice was to have Mutiny bills for the whole Empire enacted, as well as the *quantum* of the forces settled, by the British Legislature. To these circumstances of form it may be added, that the Irish Legislature possessed but a limited freedom of debate: they were in regard to the introducing of New Bills, and of getting them passed, under those

those restrictions which have of late years become the subject of public discourse, under the name of *Poyning's law*.

This situation of Ireland and her Parliament, which we have just now described, has proved the cause why the struggles of her People for independence on English Government, have continued, during the greatest part of this Century, to be confined to wishes and vehement speeches and publications. Even the measures entered upon by her Legislature, with those views we allude to, were only attempts, as hath been above observed, only steps by which to try to enlarge their power and consequence. Acquiescence was paid to those repulses which they met with, from the Declarations, expressed in sufficiently lofty language, of the two Houses of the British Parliament, as well as to the checks which they did at times receive from the Lords Lieutenants, when they attempted to meddle with the hereditary revenue, or to offer short money Bills, that is, for a shorter time than two years. And those steps of theirs which had failed of success, were seldom insisted upon, or renewed.

The facts that have been above recited give an exact state of the Constitution of Ireland, considered as a distinct Kingdom, as it stood previously to the late disputes. I mean to speak of the Constitution of fact (*de facto*), merely. It is not my design to inquire into the Constitution of right,—or to examine into the doctrine of Mr. Molyneux, or the opinions of Locke, and other Writers on those subjects. There is a certain particular knot to questions of this kind, which those persons who have discussed them, have not thought of: hence those contradictions, and the visible anxiety, which their Writings exhibit. But it is not my intention to say more in this place on the subject: I only intend to describe the changes that have been lately effected in the political situation of Ireland: it was necessary for that purpose, to give an account of that mode of governing which was, in former years, adopted by the British Government, in that Country, and was acquiesced in.

The real period at which affairs have begun to present a different aspect, and take a decisive turn, in Ireland, was in the year 1778. It is also to be remarked, that, at that time, the Government of Great Britain, after being embarrassed during several years by vehement domestic disputes, was weakened by the defection of its distant Colonies, and the expensive war in which it was involved by that defection: and a great European Power had just taken part in the quarrel, and sent its fleets and armies to act in concert with the Colonies. This was the time which the Men of influence in Ireland thought it advisable to seize as a proper opportunity for increasing both their own private consequence, and the particular advantages of that part of the Empire to which they belonged. This design which began to be pursued by the Irish Nation, at the time we are speaking of, was no very extraordinary instance in the History of Mankind. Taking advantage of the wants in which a Government stands of assistance, or of the fears it entertains of fresh and multiplied opposition, has been practised in all times and in all Countries, and is a mode of conduct which Great Men in Britain, and Members of the British Legislature, have no very particular right to condemn.

The first object to which the Leaders of the Irish Nation directed their endeavours, was, the repeal of those restrictions that had been laid on their trade, by Acts of the British Legislature. In consequence of the steps that were taken on that subjects, in Ireland, either by addresses from public Meetings, or Parliamentary debates and resolves, the affair was introduced into the British House of Commons, in April 1778, by the motion which a Member made for that purpose, certain ordinances, relative to the trade of Ireland, were, on that occasion, after some debate altered.

These alterations did not appear sufficient in Ireland; and the public dissatisfaction was again expressed in a loud, unequivocal, manner. The subject was therefore again introduced into the British Parliament: and

the consequence was, the repeal of the law passed in the reign of Charles the Second, prohibiting the planting of tobacco, together with a provision concerning the cultivation of hemp, which was meant for the benefit of Ireland. This was in the beginning of the year 1779.

These concessions were not yet so fortunate as to give satisfaction. The sense of the Public was again declared; and the discontent was manifested by symptoms quite different from those that had attended the complaints made in the time of King William, and the subsequent reigns. Towns and Corporations, as well as public Meetings of the People, took a share, this time, in the contest. General agreements against the importation of English commodities were entered into, in imitation of what had been practised a few years before in America; and the refractoriness of those persons who either refused to subscribe these patriotic agreements, or did not fulfill them exactly, was punished by those summary and effectual chastisements in the inflicting of which the populace use so laudable to co-operate. A very eloquent Agent also at that time began distinctly to make its appearance in favour of the Irish Public,—an Agent extremely serviceable for obtaining political successes: I mean here to speak of the Armed Associations.

The most probable account of the origin of these Associations, is, that they first began to be formed about the end of the year 1777. A Member of the Irish House of Commons had, the preceding Session, proposed a Bill for establishing a national Militia, as the army stationed in Ireland had been gradually draughted, and sent to America; which left the Country defenceless, and the coast exposed to the insults and petty invasions of the American privateers. The Bill miscarried: and, as the County which the Gentleman who had moved for the Bill, represented, and in which his estate lay, was situated on the Southern coast, he declared that his intention was to form a *Volunteer Militia* in his County, and to arm his Friends and Tenants. This declaration was soon after fulfilled. The scene of novelty, and various diversion, which
became

became opened by the learning and practising of martial exercises, and the forming of military Bodies, soon diffused a temptation into the neighbouring Counties, to imitate the example. The noise of arms, which was resounding, at that time, from the other parts of the Empire, was a farther incitement. To which must be added the real usefulness of the zeal that was manifested by the People on that occasion, as France, much about that time, began to act an open part in the war. The Associations were soon formed in the North, as well as in the South. By the end of the year 1778, they had become in a manner general; and the number of the enlisted *Volunteers* amounted then to about thirty thousand Men.

As a conclusion of this account of the origin of the armed *Volunteer Associations*, it may be added that, on the 18th of April 1782; besides twenty-two Corps, which had lately acceded to the Confederacy, but had not yet made any return. It may also be mentioned, that, Government having begun in the course of the year 1779, to guess at the kind of political engine the *Associations* might be turned into, had made offers of Commissions and pay; which were declined:—they also ordered sixteen thousand stand of arms to be distributed, by way of shewing, we may suppose, that they were not affraid: these were accepted.

The Government, in England, had guessed right: the Volunteer Associations had infused a new spirit into the Politics of Ireland. This spirit was caught, and openly manifested, by the Parliament that met in October 1779. The partial concessions in regard to trade that had been made from England, about nine months before, were spoken of in the Debates, in much the same terms as they were out of doors; and at length a Resolution was passed, “ That it is not by temporary expedients, but by a *free Trade* only, that the Nation is now to be saved from impending ruin.” This resolution was added as an amendment to an Address to the King; and the ceremony of delivering the same to the Lord Lieutenant, was graced by the presence of the Dublin

Volunteers, who lined the streets from the Parliament house to the Castle.

In order to give weight to the address, a short money Bill was soon after brought in. Notwithstanding the novelty of the measure, the Bill succeeded; and being transmitted to England, it was there accepted: a circumstance which might appear still more unexpected.

The Address that had been transmitted to the King, and the accounts that had reached England, relative to the proceedings in Ireland, caused the matter to be again brought before the British Parliament. Eloquent descriptions were given of the vehement dispositions of the Irish Nation, of the numbers and martial spirits of their Volunteers: the Orators took care to extenuate nothing. The dread which the Minister entertained of hurting the interests, or prepossessions, of the English Manufacturers and Traders, whose patience, in those difficult and expensive times, it was so necessary to cultivate, now gave way to more pressing considerations. A Bill was brought in by the Minister himself, and passed, by which all restraints were this time taken from the trade of Ireland: their trade was then placed on the same footing as that of the English Nation, both in regard to foreign Countries, and to those possessions in the West-Indies, and elsewhere, which had till then continued to be denominated, English Colonies or Plantations. This was in February 1780.

The Advocates for the Irish Nation and Volunteers, had strengthened their arguments with promises and predictions, that, after the benefits of free trade had been granted, peace and quiet would be universally restored in Ireland. The Minister had partly believed it. In fact, the splendor of the illuminations that were made in Dublin, and most other Cities, soon seemed to confirm the justness and sagacity of such expectations. However, subsequent events shewed that both parties were mistaken.

Claims relative to trade indeed ceased to be pursued with the same warmth as before:---after obtaining an equality in that respect, it was rather impracticable to unite in asking for more; at least so soon. A transition was made to politics. And since the trading part of the Nation had been freed from bondage, it was natural to wish that the Nation at large might likewise be rescued from constitutional dependence and slavery: besides, if it were not so, there was danger that the British Legislature might treacherously resume those advantages which it had lately granted.

The wishes which Politicians in Ireland, now began to express were,---in the first place, to free their Nation and Legislature from any dependency on the British Legislature, by obtaining the repeal of the declaration Act passed in the 6th year of George I. that has been above recited, in pag. 59.

In the second place, to rescue their Courts of Law from the Jurisdiction of the British House of Peers, and have this superior Jurisdiction allotted to the Peers of Ireland.

In the third place, to set aside the controul of the Crown, by the abolishment of those restraints which were laid upon the Irish Legislature, in regard to the framing of New Bills, and of getting them passed. These restraints, as the reader is very likely informed, were grounded on that Statute of the Irish Parliament, enacted in the reign of Henry the Seventh, which has been denominated *Poyning's Law*, from the name of Sir Edward Poynings, who was then Lord Deputy. This Statute was a kind of standing Order of the Parliament of Ireland, passed into Law, by virtue of which, as it stood at first and for many years afterwards, no subject was to be debated upon, in Parliament, but such as should be first transmitted to England, and allowed by the King in Council, to be introduced. This Act, Sir John Davies says, (pag. 231.) "had been made at the prayer of the Commons, upon just and important cause:" it was probably meant as a protecting regulation, when

when the Commons only represented the four Shires of the Pale, against the Parliamentary enterprises of the Lords and great Subjects of blood. In subsequent times, a change was made in the above ordinance. New subjects might be introduced and debated upon, in order to form what was called *Heads* of a Bill. The Parliament of Ireland continued then to be under two restrictions: the one was, that the Privy Council of Ireland might stop these Heads of a Bill, refusing to transmit them to England: the other was, that the English Privy Council, either of themselves, or from the suggestions of the Attorney General, might make what alterations they thought proper in these Bills, and in short finish the framing of them; in which State, if it was thought proper to return them, they were sent back, in order to their being laid, exactly as they stood, before the Parliament of Ireland, who were to accept, or reject, them without alteration. These two restrictions, the Public, in Ireland, as is above said, wished to have abolished.

They also wished that their Parliament might be invested with the power of passing Mutiny Bills: that is to say, of refusing such Bills, for Ireland, when they should think proper, or passing them for what time they pleased: the Crown being thenceforth to depend on them in that respect.

The independence of the Judges was also considered as an object very desirable to be obtained.

The additional articles of freedom that have just been recited, began to be thought of in Ireland, after the liberty of trade had been obtained. In the night in which the streets of Dublin were illuminated, (February 1780) hand-bills had been circulated, containing early exhortations to the Public, concerning those articles. In April following, a Member of Parliament made a motion tending to the same objects: he was desired to postpone. Warm and zealous Writings also continued to be published, in order to inform the Public. At length the Volunteers thought they might possibly be useful to forward the business. In
order

order to render their advices more respectable, they formed a Congress, by means of their Delegates, who met at Dungannon. These Delegates both cleared and settled the political notions of the Public: they resolved what had till then only been wished for: and, in a Declaration of about thirteen paragraphs, they gave decisively their opinions in favour of those articles of freedom that have been above recited.

It may be added in this place, that the numbers of the Volunteers had, during the two last years, kept continually increasing. The Delegates, at Dungannon, had been sent from a hundred and forty-three Corps or Associations: other Corps were daily adding to them; and they were in possession of an hundred and twenty-eight pieces of cannon.

As another fortunate circumstance in favour of the constitutional freedom of Ireland, a change in the Administration of England, took place about that time (March 1782). The Ministers who were then placed at the helm of the Government, manifested dispositions of less reluctance than the Minister before them had done, in regard to gratifying the political wishes of the Public in Ireland; and they shewed themselves to be perfectly convinced that the discontent and agitation that continued to prevail in that Country, were owing to the insufficiency of the steps that had been taken for satisfying them.

Steps were immediately taken for repairing the loss of time in the preceding years. The new Ministers were appointed on the 30th of March 1782. On the third of April, they recalled the Lord Lieutenant of Ireland, and appointed another. On the ninth of the same month, one of the Ministers introduced into the House of Commons, the business of the discontents in Ireland, apologizing at the same time for not having done it sooner. He represented “the beneficial consequences
“that would result to the commerce and prosperity, the ease and happiness of both Countries, from a speedy gratification of the political
“wishes of the Irish Nation.”—He at the same time added, “That
“persons

“ persons would soon arrive from that Country, who were to bring a
 “ precise information of what were the wishes and what were the ex-
 “ pectations of Ireland,—that, as soon as Ministers should be in pos-
 “ session of those facts, they would communicate them, in order that
 “ both Houses together might then go hand in hand, and in certainty,
 “ upon the business, and do it effectually. The only delay in the busi-
 “ ness, not a long one certainly, would arise from the procuring, and
 “ bringing over, these necessary informations; which delay he had no
 “ doubt but the House would allow, since their intentions were founded
 “ in reality and *seriousness* *.”

The House admitted the propriety and usefulness of those measures, in general, which the Minister had just described, and granted the short delay he desired. Similar sentiments were also expressed in the House of Lords. While, at the same time, it was made publicly known, that a new Lord Lieutenant had been named for Ireland, and that his instructions were to be framed in conformity to those satisfactory measures which were to be pursued.

To use dispatch in England, in framing resolutions for contenting the Irish Nation, and at the same time, to shew negligence and delay in conveying the information to them, would have been nugatory. As the Minister himself had observed, “ the new Lord Lieutenant was just
 “ setting off for Ireland: it was indispensibly proper, that, on his ar-
 “ rival at Dublin, the People of Ireland might entertain no doubt of
 “ the intentions of the new Ministers, and the inclination of the Crown,
 “ and the British Parliament.” Such a necessary information was accordingly without loss of time dispatched. On the evening of the same day (9th of April), and as soon as the Minister had concluded his speech, both the Secretaries of the New Lord Lieutenant, and of him who was recalled, severally set out from London. A state Messenger (Mr. Needham) had preceded them a few hours before.

* See Parliamentary Debates, and the Political Magazine for the year 1782, p. 421.

(CONTINUATION, BY ANOTHER HAND.)

The arrival of the two Secretaries in Ireland was immediately followed by that of the new Viceroy. And the Irish Parliament, meeting the very next day after the landing of the Duke of Portland in April 1782, was uncommonly crowded by strangers, who had been drawn together by motives of curiosity or by zeal of patriotism. A new Governor, thus sent to that distracted kingdom with such uncommon dispatch in the middle of a Session, could not fail of being regarded as the bearer of important tidings; and the message sent by him to the Lower House, together with the comments made upon it by the Minister who delivered it, soon gave the public to understand, that the purposes of his mission were of the last importance to the Irish Nation, particularly with regard to the constitutional question which had been so warmly agitated, and was at length laid at rest.

In answer to the King's message, thus signified by the Lord Lieutenant, the House voted an Address to his Majesty, declaratory of the rights of the People of Ireland, and fully stating the causes of their discontents. This declaration was introduced as an amendment to the Address originally voted, and was the suggestion of Mr. Grattan, who was equally eminent for his eloquence and popularity. He prefaced his motion for the Amendment with some very forcible illustrations of the Declaration of Rights, which the Address was intended to convey to the foot of the Throne. "This Nation," says he, "is connected with England, not by *Allegiance* only, but by *Liberty*. The *Crown* is one great point of Union, but *Magna Charta* is a greater. We could get a King any where, but England is the only country where we could get a Constitution. We are not united with England, as Judge Blackstone has foolishly said, by Conquest, but by Charter. Ireland has British privileges, and is by them connected with Britain. Both countries are united in Liberty." He then stated the terms which he conceived his country entitled to stipulate

pulate for the future security of her Constitution, and which are particularized in the Address under a declaratory form ; they were as follows :

A Repeal of the 6th of George I. including a Restoration of the Appellant Jurisdiction to the Lords of Ireland.

An Abolition of the unconstitutional Power of Privy Councils ;

And a Repeal of the Mutiny Bill.

A Judges Bill he refrained from mentioning, as he had heard that it was assented to in England. These were the points which the people of Ireland had strongly in view immediately after the enlargement of their Commercial Privileges had been obtained. They were desired, as being in some measure cautionary, for the more secure and perfect enjoyment of both mercantile and political freedom ; they had been first publicly avowed at the Dungannon meeting, as an object coinciding with the general wishes of the nation ; and they were at length unanimously adopted by the House of Commons, and voted by the Lords in Ireland.

The subject was resumed in the British Parliament ; and resolutions passed both Houses (May 17th) for repealing the obnoxious act, and for addressing his Majesty that such measures might be taken by the Government as should establish the connexion between the two kingdoms upon a solid and permanent footing.

Thus was the first step taken towards allaying whatever discontents and jealousies had arisen in Ireland, on account of a Statute which seemed injurious to the national liberty of that Country. Its commercial and constitutional rights were thus settled on the basis of equal independence with that enjoyed by the people of Great Britain. These rights were not, however, as yet perfectly defined ; and a series of revolutions in the British Cabinet intervening, it was not till the following year, that the full independence of Ireland, both with regard to Judicature and Legislation, was finally secured. Another bill was passed in 1783, consisting of two parts, one of which confirmed and declared the meaning of the Legislature in repealing the 6th of George I. ; and the other abandoned the ex-

ercise of the appellant jurisdiction of Great Britain. By this law, the Supremacy of the House of Lords in Ireland, in all matters of appeal from the inferior tribunals in that country, was thus finally established. The business of a Mutiny Bill was also settled to the satisfaction of Ireland.

The concessions, which were thus made by these acts of the British Legislature in favour of the Sister Nation, were of so liberal and decisive a nature, as immediately to do away all unfavourable impressions that had arisen in the latter on account of the invidious state of political dependence in which she had been so long held. They appeared, indeed, so satisfactory to a grateful people, and to the Parliament of Ireland at once vigorous and prudent, that the measures of Government were now received in that Kingdom with the most cordial support. For, notwithstanding some attempts were made by the more zealous Members for a reduction of the Military Establishment on the close of the American war, and for passing a six months Money Bill, both proved unsuccessful; the motions for these several purposes being thrown out by majorities, which shewed the confidence of the Country.

The people of Ireland, having thus restored and improved their Constitution, were induced, from the effects, which had recently attended all their political endeavours, to carry the spirit of reform a step farther. The inadequate state of Parliamentary Representation, together with the long duration of Parliaments, were considered as unconstitutional and intolerable grievances. The Volunteers, therefore, who had before so successfully spoken the voice of the nation, once more came forward, and, in a meeting of their delegates at Dungannon (September 8th 1783), pledged themselves to each other and to their Country, to seek a speedy and effectual redress of those grievances, and to make every necessary exertion for obtaining it.

An aggregate meeting was also convened of the Citizens of Dublin, for the purpose of recommending this object of popular desire: and here it was proposed that five persons should be elected from each County, City, and

great Town in the Kingdom, to meet in a National Congress, at some convenient place in the Capital, in order to determine on such measures as should seem most conducive to the attainment of the Reform so anxiously desired: A Petition was voted to be presented to his Majesty, explaining the sense of the Nation upon the subject, and representing, amongst other causes of complaint, that a Bill for a more equal Representation of the People had been rejected by their own Representatives in Parliament even without discussion; that protecting Duties had been denied, which were deemed necessary for the encouragement of the infant Manufactures of Ireland, and which England had thought expedient, even in the present flourishing state of her commerce. The petitioners finally prayed for the Dissolution of a Parliament, which had viewed their proceedings with jealousy, and rejected their desires with firmness.

The measures, which were thus recommended at this aggregate meeting of the Citizens of Dublin, were afterwards repeatedly adopted, and Resolutions similar to the former were passed unanimously by other conventions of men who concurred in one design.

It is here to be observed, that a remarkable part of the Irish Reform was a communication of the Rights of Election to the Papists of that Country. This proposal, which had been thrown in for the purpose of disunion, met with the disapprobation of some of the highest characters among the Volunteers; and it has been remarked of the whole plan, that, even if it should be admitted as necessary in England, it by no means will follow, that it is necessary in Ireland. The Representatives of Ireland are chosen by a much greater proportion of the people, who can be prudently qualified to vote, than in England. The change of property in the former country, and its divided interests, (the property and established Government being comparatively in the hands of a few,) were said to be objections against throwing the power of Election into suspicious hands, more particularly as no qualification, with respect to property, is required for obtaining a seat in the Irish Parliament. With regard to the
protecting

protecting Duties, which had been denied by the same Assembly to the earnest calls of the Dublin Manufacturers, it has been affirmed, perhaps with justice, that they would have produced infinitely greater inconveniences than they were meant to obviate: for, if high duties were laid upon English Manufactures, the consequence would be, that the British Parliament would not only retaliate, but the Irish must buy at an enhanced price, what they could not do without, which would distress, rather than relieve them.

The ardour of discussion, which had exerted itself upon constitutional questions, now again gave place to the interests of commerce. The political regulations had originally been applied to remedy evils comparatively remote in their effect, and often existing more in apprehension than in reality; they were attended rather with circumstances of splendour than of immediate utility, and they were therefore justly regarded as less useful than extensions of trade; but the changes made in the external Legislature of Ireland were instantaneously felt and enjoyed. These changes, and the enlargement of her commercial privileges, had been conveyed in terms sufficiently perspicuous to the mercantile people of both Nations; but the immediate intercourse between the two Islands, which was still obstructed by acts of the British Parliament, and by the prejudices of the British traders, required to be made more open and free, by an adjustment of such points as had not been yet arranged.

For this purpose, it was deemed highly expedient, that whatever regulations might appear necessary should be first discussed in the Irish Parliament, in order that the British Minister might be enabled to state what that assembly had in expectation, and upon what terms they were willing to cooperate in the formation of a permanent system. As this adjustment of commercial concerns was to bear the force of a Treaty, final and perpetual, between two independent Nations, touching their most obvious interests, it was natural for the Manufacturers and Merchants of both countries, who were immediately liable to be affected by its operation, to examine
every

every part of the system with the most minute and jealous attention. It was alledged, that the Union between England and Scotland, which is so finely recorded by De Foe, was a work of infinitely less consequence than the present measure, and whatever might have been the obstacles thrown in the way of the former, they were but trifling, when compared to the jealousies, terrors, and apprehensions excited by the prospect of this incorporation of disunited rights. Questions of a political nature may sometimes be above the comprehension of the many; but where the interests of trading communities are supposed to be concerned, every artisan becomes as quick-sighted as the most experienced negotiator. The commercial arrangements between the Sister Kingdoms were said to be pregnant with the most tremendous revolutions in private property, as well as in the national wealth and prosperity of both Kingdoms: for every article of the regulations contained in them was reprobated on both sides of the water, with a degree of heat and acrimony that is always most forward and apparent when founded in error.

The condition, requiring that the trade laws of both should always be the same, alarmed the jealousy of the Irish people for their constitutional independence. On the other hand, Great Britain regarded this point as so essential to the naval defences of both that she seemed determined never to admit Ireland to a full participation of commercial privileges without a similarity of commercial laws, which the Irish Legislature had often passed since the epoch of its independence. But ambiguous words were now plentifully scattered among the Irish people, which made them look with apprehension to the annual precedents of their own Parliament.

Though this system has been mentioned as a compact final and perpetual, yet without enacting any thing, it contained only declaratory matter, which formed the ground work of future Acts of Parliament, that were to establish specific regulations conformable to the principles held forth in the general Resolutions.

To speak impartially of the merits of this business, it must be allowed to have originated in the desires of the Irish Parliament, and in the laudable ambition of the Minister whose measure it was, to effectuate a comprehensive and final understanding, between two kingdoms that ought to be united to each other by every tie of interest and affection. The appellation of Sisters was never more deservedly applied than to Great Britain and Ireland. The hand of Nature itself has placed them under one Sovereign, enjoying a similarity of Government and Constitution, and has connected them by the soundest alliance of mutual wants and reciprocal supplies. No wonder then that the furtherance of so great an object, as the closer connexion of two Countries, thus united by so many ties, should be one of the first measures adopted by a Minister who wished well to the prosperity of both. Called to the direction of national affairs at the close of a ruinous and impolitic war between the Mother Country and her Colonies, he naturally aimed at retrieving her losses by the various arts of peace, and by the aids to be contributed by Ireland out of the surplus of her hereditary revenues. And apparently no means could be more eligible for effecting this purpose, than a system, whose object was to enlarge and ascertain the national advantages which mutually result from an intercourse of commerce between the two Islands.

This opinion naturally suggests itself to an impartial reviewer of this transaction. For it cannot be supposed that a business of such transcendent magnitude, would have received the sanction of the Parliaments of the Sister Kingdoms, had it been injurious to the commercial and political interests of both; though the objections raised against it were equally violent on both sides. Prejudice, indeed, is not the growth of one soil more than another; and we need not look further than the History* of the Union with Scotland, to see measures of the most approved utility impugned and calumniated by the ill-founded prepossessions of the day.

* See De Foe's History of this famous Union.

It only remains to be observed, that the modification proposed by the above mentioned commercial arrangements, appears (particularly in one article respecting the application of the surplus of the hereditary revenue of Ireland) to correspond in its principle with a plan said to have been proposed a few years ago by a nobleman of the most respectable abilities, the substance of which is nearly contained in the following words :

“ Would it not be wise in Ireland to say to the British Government, I will pay you a neat 7 or 800,000l. a year, applicable to your annual supplies, or paying off your debt, and leave the defence of the Kingdom entirely to your own discretion, on condition that I shall never have any military charge or pensions laid on me; the remainder of the revenue to be at the application of my own Parliament, for the uses of interior Government only, and for the encouragement of the trade, manufactures, and agriculture of the Kingdom. That you shall give me in return a specified freedom of commerce.---This surely would be the wisest bargain that Ireland ever made.---The Parliament of the Kingdom would still retain both importance and business---and perhaps the advantages of an Union would be enjoyed without its inconveniencies; for the Parliament would remain for the civil protection of the Kingdom, and the British Legislature would not be deluged by an addition of Irish Peers and Commoners; one reason among others which made the late Earl of Chatham repeatedly declare himself against such a measure.” The Earl of Shelburne, adds the writer from whom this quotation is drawn, “ has assured me of this fact; nor let me omit to add, that to that nobleman I am indebted for the outlines of the preceding plan.”

The necessity of defining the commercial claims of the two Kingdoms still subsists in all its force; and since the experiment failed which was intended to effect this, it has been argued that a commercial treaty of any sort would be insufficient for the purpose. For, it is said, that no commercial treaty between two Kingdoms, with independent Legislatures, though under the same King, can, or ever will produce a real and effectual

effectual consolidation of interests. That is, supposing the treaty to be in fact admirably calculated for mutual advantage; yet, the idea of two independent nations still remaining, the greater number will ever consider their interests as distinct, independent, and often incompatible. That the mercantile interests of the two Kingdoms have been for ages regarded as incompatible, is evident from the severe restrictions that so long discouraged the commerce of Ireland. But if an effectual consolidation of interests be the legitimate object of every commercial Treaty between two independent Nations, and if a deficiency of the mode be an argument against any particular treaty; then the project of a commercial Treaty with any foreign Nation, particularly with France, must be the most futile that ever could enter the imagination of an English Statesman: for, who ever thought of an *effectual consolidation* of the interests of France with those of Great Britain, though the real interests of both may be promoted by a commercial agreement, stipulating reciprocal facilities? Yet, we have seen such a treaty adjusted and ratified between France and Great Britain, and have every reason to expect the most beneficial consequences from its operation.

But the truth is, as must be obvious to a moment's reflection, that in such treaties it is not a *consolidation* of interests that is meant to be effected, but an *equalization* of them; not that the interests of both parties should be to every extent the same, but that where interests are distinct, independent, and often incompatible, they may be so modified by mutual concessions, that neither party shall derive any advantage from such arrangement, which shall not be compensated to the other. Now there appears no reason why this should not be as feasible with regard to Ireland as to France, though a similar attempt indeed has not turned out equally successful, since political jealousy proved too powerful for mercantile interest.

The failure of the late commercial arrangements between Great Britain

and Ireland, which had been so ardently desired by the true friends of both, has induced many well-informed men to insist, that an incorporate Union of the two nations is the only adequate and lasting remedy, which can prevent hereafter the inconvenience of mercantile altercations, or the danger of absolute separation. In support of this opinion, they urge respectable authorities and weighty arguments. But, leaving the merits of such a measure to the irrefragable decisions of time, which frequently takes pleasure, as it were, to expose the fallibility of political reasonings, it must be admitted, that the Irish Privy Council, in 1676, and the Irish House of Peers, during the reign of Anne, proposed an incorporate Union, as the most effectual means of improving the commercial advantages of Great Britain and Ireland, and of securing the stability of the British Empire upon a permanent foundation.

It is remarkable that this measure has been strenuously recommended by advocates of all parties, and of both nations. An Irish writer, urging the advantages of a Union, has quoted authorities largely in support of his opinion. As the grand remedy, says he, for the decline of foreign trade, Sir Matthew Decker proposes to unite Ireland, and to put all the subjects of the two Kingdoms upon the same footing in trade. Sir Josiah Child recommends the same measure. Dr. Campbell says, that the main drift of his Political Survey, was to open men's eyes on the importance of all the parts of the British territories, as being at once the only natural and certain means of establishing the grandeur, procuring the safety, and fixing the permanency of the British Empire; a triple alliance, or rather strict Union between England, Scotland, and Ireland, being the only league necessary to make his Britannic Majesty the most potent Monarch of Europe.---Sir William Petty saw it in its true light at a very early period, and points out as the first impediment to England's greatness, that "the territories thereto belonging are divided into so many Kingdoms and several Governments. There be, continues he, three legislative powers in England,

land, Scotland, and Ireland, which, instead of uniting together, do often cross upon one another's trade, not only as if they were foreigners to each other, but sometimes as enemies."

To these may be added the opinions of some of the most intelligent and respectable living characters of the present age*. The Duke of Richmond, who, as a friend to Ireland, was expressly solicited by the Volunteer Delegates of that Country for his advice upon the subject of constitutional reform, thus frankly expresses himself in his reply to them. "I have always thought it for the interests of the two islands to be incorporated, and form one and the same Kingdom, with the same Legislature, meeting sometimes in Ireland, as well as England.---I am sensible that there are great difficulties attending the adjustment of such an Union, and that it requires great wisdom and temper to form it, especially on the part of Ireland, which must feel that she ought to give the preponderance to Great Britain; but I am sure that the business ought not to be neglected, and that every true friend to both Kingdoms ought to give it his most zealous assistance."

The same is the opinion repeatedly given by an eminent Divine, who has written frequently upon subjects of national importance, and whose writings, for sound sense, perspicuity, and freedom from party, have justly commanded the public attention: the proposal of incorporating both the British Isles together, Dean Tucker represents as having long been the wish of every generous, disinterested Patriot of both Kingdoms, and the benefits that would result from it as equally interesting and important to both.

That an Union between Great Britain and Ireland would produce no solid disadvantage to the Irish commerce, is a position which ought not to be admitted, because it cannot be easily proved: for, allowing every degree of splendour to the acquisitions that Ireland has lately made in that respect, she cannot surely be said to enjoy at this moment such well grounded

* Lords Sydney, Carlisle, Derby, Camden. See Stockdale's Parliamentary Debates, July 8, 1785.

hopes of flourishing by trade, as if she were put in every respect upon the same footing with Great Britain. Indeed, were political prejudices, which ever regard show more than substance, fairly laid aside, and the genuine advantage of Ireland solely considered, that nation has every reason to wish for such an event. "Ireland," as an ingenious writer of that Country remarks, though she traces her antiquity to the remotest period, "is not four score years old in the period of improvement;" nor is it probable, that, even with the advantages which she has already obtained, her trade will make any considerable advances towards the flourishing condition in which that of Great Britain has been for a century past. "Enthralled as she has long been," continues he, "by evil habits, the most perfect freedom will not at once emancipate her. Manners have a greater influence than laws. It will require much time and a fostering hand to rear industry in that soil, though planted ever so carefully. Before it will bear the rich fruits of arts and commerce, a long series of years will pass away. As a horse that has been thrown and bound to have some operation performed on him, yet continues to lie still after being loosed from all his cords, just so would it be with Ireland. A considerable portion of time must elapse before she would begin to exert the powers that she possessed."

Ireland, as Sir Matthew Decker justly observes, is too poor to carry her trade to the extent of which it is capable, so that were it as free as it is possible to make it, *which can only be effected by an Union*, it must nevertheless be still carried on by English stocks. Consequently, adds he, a great part of the profits of it must fall into the hands of the English merchant. The immediate balance of advantage between the two islands, must certainly be for some time in favour of England. Nor can any sensible change happen in the Irish trade, in case of an Union, or in any other case that can possibly affect it, at least for this generation, unless the English merchants should open warchouses in the ports of Ireland, and then they would profit themselves without injuring their native country. This method has already been adopted in the linen
trade

trade of Ireland, which owes much of its success to the English capitals embarked in it. But this method will by no means become general, or even take place to any considerable extent, while the two islands continue in any other form of commercial relation, than that which an Union would create. The reason of this is plain, the English merchant will never embark his capital in what he considers as a foreign country, the trade of which being under regulations in many respects very different from the British, will not have sufficient attraction to induce him to renounce, or forsake, even in part, the traffic with which he is well acquainted, and the profits which he hath long enjoyed. But he will be far less disposed to make this renunciation in favour of a species of traffic which he probably considers as interfering to a degree of strenuous rivalry with the proper commerce of his native country. Whereas both Governments being united internally and externally, their code of commercial regulations being of course one and the same, the mercantile interests of particulars, though trading on different sides of St. George's Channel, will also be perfectly the same, nationally considered; that is, they will be as much the same as the interests of merchants trading from the same country can be, which do not immediately clash or interfere in a private view; they will be regarded as conducing to the general prosperity of the same commonwealth. Like bees labouring for the same hive, they will no longer look upon each other as belonging to a swarm of interlopers, but range the vast fields of ocean with concord and unanimity, gathering the riches of all-bounteous Nature, wheresoever industrious enterprise shall point them out. There will always be enough for all. No trade can be overstocked in a free country, if the departments be fitly arranged. There will be room enough at all times for the exercise of all the industry of both countries without clashing.

Finally, it has been demonstrated, and is a truth generally received, that a poor nation can never carry away from a rich one, those manufactures, the cheapness of which depends chiefly on large capitals.

Much.

Much has been said of the cheapness of living in Ireland; the division of labour, and habits of industry; but the Scotch live not more expensively than the Irish, yet experience proves that no English manufacture has been injured by their competition since the Union.

It may not be amiss here to observe, that the removal of those impolitic commercial restrictions and disabilities which were formerly laid upon Ireland and its consequent extension of trade, has entirely changed the state of the question, with regard to the expedience of an Union between Great Britain and Ireland; consequently the greatest part of the arguments used in support of it, previous to that æra, as they tended to prove the advantageous effects to Ireland, of such an enlargement of trade, assumed as a circumstance necessarily connected with and resulting from the Union, are now inapplicable; as, on the other hand, the objections of those who feared the pernicious consequences to Great Britain, of allowing such unlimited commercial privileges to the Irish, as this Union would create, are equally done away. The emancipation of the commerce of Ireland, has proved experimentally to the advocates for the question, that many of those advantages which they describe, can exist independent of an Union, and to its opposers, that the disadvantages apprehended from it to the trade of England have been in a great measure imaginary.

The principal objections therefore to an Union on the part of Ireland at present, are the increase of absentees; the want of a Parliament for protection against the officers of the crown; and lastly the increase of taxes. The first and last objections, if they are admitted to be evils, imply the impoverishment of the Kingdom, and were objected in Scotland against the Union which has taken place; but the fact is directly otherwise, and Scotland since that fortunate epoch has continually augmented her opulence. Nor can a nation be thought on any mercantile principle to be a loser, which exchanges the residence of idle country gentlemen, for a numerous race of industrious farmers, manufacturers, merchants, and sailors. As to taxation, it ought to be considered that it always did, in every state,
follow

follow prosperity and wealth, when necessity required, or prudence directed, for the public welfare. The second objection seems to have been nearly as strong in the case of Scotland, and yet the evil has had no existence; the four Courts of Dublin would of course remain, though the Governments were incorporated; nor does it appear that any great protection results to individuals from a Parliament, which the law of the land does not give. Yet upon this ground of objection, every corporate town in Ireland would, no doubt, found the alarm against an Union with Great Britain; for, as they would some of them lose the rights of returning members to Parliament, and of course their consequence, they would represent every plan of incorporation as pregnant with dishonour and ruin, while interest would concur with vanity, to represent that as extremely dangerous which might be usefully safe.

People accustomed to the pomp and pageantry of state come at length to lay a high value on them. Nor are the Irish singular in their attachment to such matters. It was provided by a clause, added to the articles of the Union of Scotland, that their Crown and other regalia should remain at Holyrood House. And such was the popular prejudice against the Union, while the treaty was in negotiation at Edinburgh, that it became necessary to call in the army to protect the houses and persons of those who were supposed to favour it.

It is obvious, on the other hand, that England would gain from the opulence of Ireland, which would bear a part of the expences of their future wars, without sharing in the burthens of the existing debts. Some assert, that Ireland is already taxed higher than England, if the trade and resources of both Nations be considered; but in reply to this it has been observed, that Ireland is rather unequally than heavily taxed: for residents there pay but little, and absentees pay no large contribution towards the expences of Government. Equitable taxation therefore can only be expected from an incorporation with England.

It may indeed be said, “Why should we contribute to lessen the incumbrances

cumbrances of Britain?" For the best of reasons. A junction of both Kingdoms, instead of being pernicious to the one, by involving her in a participation of the debt which the other labours under, would, from the prosperity that must thence accrue to both, enable not only Britain in a greater degree, but Ireland, to contribute to the diminution of the present national incumbrances. From being two distinct Sovereignties they would coalesce into one state with a better chance for stability than in their divided condition, and the lesser Kingdom, by becoming, under these circumstances, a part of the united whole, would reap such advantages as to enable her, in the midst of encreasing prosperity, to pay her proportion with ease.

That such would be the advantageous effects of an Union on the commerce and wealth of Ireland, is rendered probable by one improvement which remains to be mentioned, and which would be the certain consequence of an Unity of Legislature. It is undeniable that the laws are in much less force in Ireland than in Great Britain. The state of society in the former country would owe much to a vigorous and impartial administration of justice, similar to what obtains in the latter. The violent outrages that are unaccountably permitted to exist in one Province of Ireland, while they render the property and domestic peace of individuals uncertain, will ever be an unsurmountable bar to the flourishing of internal Commerce; without which it is impossible for any Nation constantly to derive any advantage from the happiest establishments. The picture that is drawn of these violations of order and law in Ireland, by a publick-spirited Prelate of that Kingdom, is really alarming.

"The present proceeding, says he, is not a paroxysm of phrenzy originating with ignorant and rash peasants, but a dark and deep scheme planned by men skilled in law and the artifices by which it may be evaded. These enemies to the publick peace, though nominal Protestants, suggested to the farmers to enter into a combination under the sanction of an oath, not to take their tithes, or to assist any Clergyman in drawing them; and a
form

form of summons to the Clergyman to draw, penned with legal accuracy, was printed at Cork, at the expence of *a gentleman of rank and fortune*, and many thousand copies of it circulated with diligence through the adjacent counties. In order to render these oaths universal, the Whiteboys, sometimes in numerous bodies, sometimes by delegates from such bodies, tendered them at the Romish Chapels and market towns. At the same time, to avoid the appearance of intending to rob the clergy of their whole maintenance, they published, and the newspapers copied, a tithing table, which, however, was never generally adhered to by them. The rates proposed by their several parties varied in different parishes, and in the same parish at different times, as the terror of their number increased. In some parishes these diminutions were followed by a resolution to admit no composition for tithe. It is worth remarking, as an evidence that the *poor* were not the authors of this disturbance, and that their relief was not the real object of its promoters, that the Whiteboys did not aim to render *potatoes* tithe free, but from the beginning insisted on annihilating the tithe for *hay*."

Here it may be observed, that the wealthy graziers in Ireland, who form perhaps the principal part of the landholders, being, by a very impolitic act of the Legislature, exempted from paying tithes of agistment, would, in this case, almost absolutely cease to contribute to the maintenance of the established Clergy, "whose duties are more arduous than those of their English brethren, in proportion to the opposition of Dissenting sects in Ireland, and more laborious in proportion to its want of civilization. And in no country in Europe," adds the worthy Prelate, "do they require so general an information in religious controversies, and at the same time so great a share of civil prudence in the Parish Minister, as in this Kingdom, distracted as it is, more than any other country, by jarring sects, and in a political situation delicate beyond any other, from its inferiority in power to the Sister Kingdom, and from the various objects of rivalry and jealousy between them. This combination," continues he, "was as effectual to
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deprive

deprive the Clergyman of almost his whole income as forcible opposition, and had tithes been their only object, they had no motive to proceed further. This, however, did not content them. *They took the arms out of the hands of Protestants*, whom they could not suspect of employing them in defence of tithes. They levied ammunition, and money for the express purpose of purchasing warlike stores; forced individuals who had taken tithe to swear to break through their agreement; menaced and ill treated persons who served process, or should appear at the assizes to prove contracts for tithes; proceeded to commit savage acts of cruelty on the servants of the clergy, and at last to attack their persons; to force them to swear to give up their property, to prepare graves for them, and to threaten some with tortures and death. They intimidated vestries from levying money for the repair of churches, for the payment of the legal salary of the officers attending the Church, or the purchase of elements for the Holy Communion; refused payment of Church rates, and rescued the goods distrained for the same by the parish officers; nailed up one Church, and bound themselves by oath to burn another; they broke open Gaols, set fire to hay and corn, and even to houses, especially those occupied by the army; and at last had the audacity to threaten the cities of Limerick and Cork, and the town of Ennis, the capital of Clare, with famine, and to take measures for interrupting a supply of provisions by public menaces to fishermen and farmers; they threatened to burn a whole town, unless a Whiteboy confined there was released: but the circumstance which appears most alarming, (as it is the strongest evidence of system,) is their having established a kind of Post Office for communication, by which probably they are enabled to convene such public meetings as their own notices prove they actually hold. Into this state of savage anarchy they have reduced the province of Munster, and continue nightly expeditions for their grand object, that of *arming the Protestants and arming themselves*, not only in that province, but in that of Leinster, *within fifty miles of the capital*. What were the motives, let the measures declare; what

will

will be the effect on the Protestant religion and interest, and of course on the connexion of this country with Great Britain, unless the Legislature shall take a firm, decided part, is too evident."

This is, doubtless, a hideous picture, which an amiable painter has drawn from the life. It speaks to the feelings of Great Britain and Ireland, how much an Union between them would promote a similar administration of law in both, with the same effects of peaceful deportment and laborious application. *From doing nothing, we learn to do ill.* When restrained by wholesome coercion within the bounds of law, and when deprived of occasions of violating the public tranquillity, the lower orders may be gradually weaned from habits of turbulent poverty, and embrace in exchange the more eligible enjoyments of decent competence and real freedom.

Upon the whole, an incorporate Union of Great Britain and Ireland may be pronounced a most desirable object to both Kingdoms; yet it is certainly not without its difficulties. Every measure of such extraordinary magnitude, must be supposed to meet with a proportionable opposition. In the adjustment of so weighty a business, besides the obstacles that arise from the very nature of it, inveterate prejudices, and contending interests, would not fail to create many additional hinderances. All these might, however, be obviated, and finally removed, by the temperate management of well-chosen commissioners from both countries. It may, perhaps, be justly asserted, that the Union of England and Scotland was a work far more delicate, and still more difficult from ancient prejudices, and recent innovations, than would be found, if attempted, with Ireland: for, supposing the external obstacles originating from human passions to be equally out of the question in both cases, the perfect similarity of the constitutions of England and Ireland, both as to church and state, would make the people of both much more easily coalesce. No small part of the difficulty, that was encountered in the Union of Scotland and England, arose from their difference of Church Government, since even now,

though these Kingdoms are incorporated, their religious establishments, as De Foe remarks, are only confederated: on the other hand, the established Churches of England and Ireland are the same in both Kingdoms. Thus one half of the obstacles which then occurred, would not be found to exist in the negociation for an Union with Ireland.

At the same time, it must be owned, however great the expedience may be, that we can hardly expect any future period to present so favourable a juncture, nor any thing like the same relative situation between the two Kingdoms, as took place at the time of the Union with Scotland. Innumerable causes operate to make it unlikely, that we should ever recur to the terms upon which the Governments of England and Scotland then stood; nor indeed is it to be desired that we should. The formidable strength of England, owing to a successful foreign war, or rather a continued series of the most brilliant victories, enabled her Government to carry her point, however unpalatable the Union might have been to a great part of the Scottish nation. This age has seen the case reversed, and Great Britain in circumstances extremely different; but if Scotland has felt the advantages of an Union with England, which parties admit, in augmented commerce, wealth, and tranquillity, and if the same beneficial effects are justly to be expected from an incorporate Union of Great Britain and Ireland, it would be honourable to both parties, as well as conducive to the general harmony of the Empire, were such a measure adopted, from a clear conviction how many advantages would result from it to both.

This argument has been stated by the respectable Divine, whom I have already mentioned, with so much brevity, clearness, and force, that I was induced to publish at large the THIRD PROPOSAL of DEAN TUCKER, in 1750, for incorporating the *British Isles* into ONE KINGDOM, thinking
every

every reader would be glad to peruse the sentiments of so able a writer on so interesting a subject.

“ III. P R O P O S A L.

To incorporate both the British isles together, and to make one Kingdom in all respects as to Parliament, trade, and taxes.

This proposal of incorporation has long been the wish of every generous disinterested patriot of both kingdoms. And indeed, inexpressibly great would be the benefit on both sides. The Irish would share in the advantage of our trade, and we in theirs. By permitting them to get rich at the expence of the French, they would be enabled to ease us of the burden of the worst and heaviest of our taxes :---whereas at present, the French, through our own unaccountable infatuation, get rich at their expence. By this mutual benefit, neither Kingdom would be looked upon as foreign to the other: but the goods of both would be imported duty-free, or perhaps be considered only as coming coast-wise. The hostile prohibition against wearing, or using the produce of either Kingdom, would be repealed; and all that unnatural war between the commerce of the two Nations, would be at an end: which would be attended with these further happy consequences, That many of the necessaries of life would be imported cheaper into England, than they now can be purchased; a great advantage this to the merchant and manufacturer :---and many more of the luxuries, ornaments, and delicacies of living, would be exported from hence into Ireland. For most certain it is, that in proportion as Ireland grew rich, they would take the lead for the richest of their cloaths, furniture, plate, jewels, equipages, &c. &c. from England. Likewise the inducements of being near the Parliament, the Court, the public funds, &c. would bring many more Irish families to reside, and spend their fortunes here, than now do. In short, whatever wealth Ireland would draw from other countries by its produce, manufactures, and happy situation; all that would continually center in England.

But

But here, methinks, I hear SELF-INTEREST making an outcry, “ they would run away with our trade.” But pray, let me calmly ask, Who would run away with it? or where would they run to? Why truly our own people, our own countrymen, (who may as justly be called so, as the inhabitants of any neighbouring county,---and are some of the best, and most faithful subjects the Government has) would perhaps carry some part of a manufacture from us to themselves.---But what detriment would this be to the public? The People of Yorkshire have done the very same thing by Gloucestershire and Wiltshire. Let us therefore have a meeting of the clothiers of these two counties to petition the Parliament, that the Yorkshire looms and mills may be all broke and destroyed: for they have run away with our trade.---This is so ridiculous and absurd a proposal, that I believe there is no person living, but must see and feel it to be so. And yet let me ask, Is not this the very case with respect to the objection against incorporating with Ireland? Or if there be a difference between the two cases, I should be glad to know wherein it consists? Is Ireland to be looked upon as a distinct Kingdom?---More is the pity: for as the two Kingdoms have but one common Head,---one common interest both in Church and State,---the same friends,---and the same enemies; they ought to have been long since consolidated together.---But allowing it to be called a distinct Kingdom at present, till it is united: so is Yorkshire a distinct county, and was formerly, in the times of the Heptarchy, a kingdom likewise distinct from the two counties above mentioned. Is Ireland a great way distant from England?---Yorkshire is at a greater distance still from the counties above mentioned, and the communication between them is not so easy by land, for the purposes of commerce, as the other is by sea.

“ But Ireland is more advantageously situated for the trade to the West-Indies; therefore---” Therefore we must deny our own people the benefit of trading, because they are advantageously situated for carrying it on. This is a weighty argument: Bristol, for instance, is better situ-

ated

ated for the Irish trade than London ; therefore let us Londoners petition, that the port of Bristol may be locked up.

It would be an endless, and a tedious piece of work to wade through such gross and palpable absurdities. One thing is plain and obvious, that self-interest, the bane of all public good, is driven to hard shifts, in order to cover such views as she dare not openly avow. If England itself was divided into two kingdoms, one comprehending all the south, the other all the north side of the Thames, and there were hostile prohibitions against importing certain sorts of goods from London to Southwark, and *vice versa*, and high duties upon all the rest : many individuals on both sides, would find their own private interest in upholding the division, and would cry out, upon any proposal being made for an Union--These foreigners will run away with our trade---They are better situated than us---Our trade is in danger. But would this cry weigh with upright men on both sides, who had the welfare of the community truly at heart? ---If it would not, what shall we think of the same argument when urged against Great Britain's incorporating with Ireland?"



T H E P R E F A C E.

IN writing a History of the Union, it could not be reasonably expected that I should go any farther than the finishing, ratifying and exchanging the treaty in the respective Parliaments of the two nations to be united ; and this, I think, I have finished in the following sheets.

However, since the work has laid longer in the press than I at first expected; and some remarkable things have in consequence of, and very much depending upon the Union, happened since, I could not satisfy myself, without giving a short abridgment of the state of things, between the time of finishing the treaty, and the publication of this work, which though it be rather a kind of summary recapitulation of things, than a historical narration, may yet be equally profitable to him that shall inquire into the affairs of the united kingdoms at that time.

The Union took place, as has been noted, the 1st of May 1707 ; the management of the revenue, the trials in the Exchequer and Admiralty, were all settled on a new footing ; commissioners of the customs, excise and equivalent were appointed ; Judges of the Court of Exchequer ; a new Admiralty, and their respective offices were all fixed ; the coin was reformed, and intirely reduced to the English standard (the small copper money only excepted) weights and measures were regulated in part, and the respective alterations and models, whether in government or commerce, enacted by the Union, began every where to be put in practice.

The British Parliament had been assembled at Westminster, according to the treaty, and had been concluded with a general satisfaction ; and her Majesty began to see the complete end of her wishes, in the Union being actually consummated ; the northern Peers and Commons sitting, and that too with a general satisfaction and applause in that first Parliament of Great Britain.

In this Parliament, several things were done for the better improving, and as it was called then, rendering more effectual the Union, particularly that of dissolving the Privy Council, re-establishing the sessions of the peace by justices, &c. settling the militia, and making lord lieutenants, deputy lieutenants, &c. in every county as in England ; of all which, particular mention is made in the following sheets. Several regulations also in trade were made here, for the

ease of North Britain; particularly the removing the difficulties of bringing foreign imported goods from Scotland to England, and the great debate about the wine, brandy, &c. brought into Scotland, in the interval between the finishing and effectual taking place of the Union, was put to an end, intirely in the favour of Scotland, every thing being cleared at once, and all interruptions of commerce thereby removed.

But in the middle of all this harmony, an accident intervened, which if it had not been mercifully prevented by the immediate interposition of a Divine Power, had at once unravelled all this happily-finished constitution, and that in a manner that the most violent opposer of the Union, could not in his warmest thoughts have honestly wished to have seen.

This was the French invasion; which endangered not the Union only, but bid fair for overturning the whole frame of the present establishment in church and state, tearing up the very foundation of our constitution, I mean the Revolution; and restoring not only tyranny and arbitrary government, but even Popery itself, that had so many years since, and at such expence of blood and treasure, been dethroned in Scotland.

I shall need to bring very few arguments to prove this to have been the immediate consequence of the success of this expedition, after I have given a summary account of the matter of fact, which is briefly as follows:

About January 1707, frequent advices from Holland and Flanders gave the Government notice, that the French were making great preparations at Dunkirk, for some secret expedition; upon farther search into the matter of fact, it appeared that several men of war were fitting out there with the utmost expedition, and unusual quantities of arms and ammunition providing, with a large train of artillery; which were all to be shipped forthwith on board the ships fitting up as above.

These advices were still seconded with others, till at last the French themselves making it no longer a secret, and some of the men of war being ready, they ordered the stores, arms and ammunition to be actually shipped on board, drew their troops down to the shore, and openly declared that this expedition was designed for Scotland, to re-instate the King of Great Britain, so they styled the Pretender, in the possession of his lawful dominions, as they called them; and this they said was done at the earnest request of his subjects in that kingdom.

It is true, and most people thought it reasonable to judge, that it was not probable the King of France would embark in a design of so great consequence, had he not received invitations from Scotland: however, the design not succeeding, those correspondencies never came to be effectually discovered; and therefore the House of Lords, in their address to her Majesty, take notice,
that

that the King of France making an attempt to invade her Majesty's dominions, with such a contemptible force, was a sufficient evidence that he must have encouragement from some person in Scotland disaffected to her Majesty's government.

However, the strictest inquiry after these correspondencies could never make any considerable discovery, though many persons were taken up, which seemed to be owing rather to the miscarriage of the design, the French never coming on shore with any forces, and their friends on shore being too politic to shew themselves till they saw their troops on shore, and in some posture and condition to protect them:—There were several gentlemen taken up upon general suspicions, which, though it gave some offence to the people, was thought necessary at that time.—Of which by and by.

About the end of February, these preparations of the French were come to such a height, and the design of invading Scotland so out of doubt, that the government here thought it high time to prepare for the defence of Scotland; and to that purpose, her Majesty wrote a letter to the Privy Council in Scotland (which, though determined to expire by an act of Parliament, yet was in being, and had power to act till the first day of May following). In this letter, her Majesty gave them notice that she had received information of an intended invasion, backed with a French and Popish power, designed against Scotland, in favour of the Pretender; and therefore recommended to them the security of the kingdom, the preservation of the public peace, and that they would use all possible means to that effect.

In the mean time, vigorous preparations were made in England for preventing the designs of the French, as well by equipping a fleet to intercept them at sea, and so prevent their landing; as by providing forces to give them a warm reception, in case they should land in Scotland.

I know there were complaints made, and endeavours used to expose the conduct of Government in their preparations; suggesting that due care was not taken to put Scotland in a posture of defence, in case the French had landed: and a certain noble person caused the letters of the Earl of Leven, the General in Scotland, which were written in the midst of that hurry, and in which his Lordship wrote in pressing terms for assistance, to be printed:—But when these things came to be examined in Parliament, it appeared otherwise than those gentlemen represented, and the Parliament received full satisfaction, that all the diligence was used which the nature of the thing would admit.—But be that as it will, by the event we found that Providence blessed the measures taken, so as that they not only prevented the execution of the design at Edinburgh, but dispirited the party in such a manner, that they durst not make the attempt any where else, which they might have done with too much effect, and might but too well have made themselves amends for the disappointment, by ruining the country, and keeping the affairs of Britain in longer suspense.

I shall however, without meddling with these disputes, which are dead with the thing, shew by the mere relation of fact, that England was in no condition to have made any preparation that could have been effectual to prevent the landing of the French;—and thus all they had done, as to stores, magazines, or arms, as the thing then stood, had been only leaving the greater booty to the enemy, and furnishing them with weapons to use against ourselves, since the number of troops, or the condition of the fortifications of Scotland, were such as could make no tolerable resistance, nor so much as protect the magazines, if any had been erected.

But to return to the preparations made in England:—First, with incredible celerity all the men of war that could be found in any condition were fitted out, manned, and victualled in order to put to sea, and wait for the enemy's fleet; and the expedition in this case was so surprising, that the French, who had been informed, that the English navy was in no condition to offer them any disturbance in their design, and upon which presumption, they owned afterwards, they made their design public, found, to their disappointment, sixteen English men of war cruising before Dunkirk, before they (the French) were in any condition to put to sea. This however did not put a stop to their design, but they went on with their equipment; and their fleet being ready, they embarked their troops about the fifth of March, their whole force consisting of 28 sail of ships, whereof 16 were men of war, and 12 were large frigates, or privateers; their land forces consisted of 15 French battalions, and about 300 volunteers, the most part Irish, being to serve as officers for the raising new regiments in Scotland. These forces being on board with the Pretender, and some few Scots gentlemen, particularly the two sons of the Earl of Middleton, with the old Lord Griffin, &c. They came out of Dunkirk about the sixth of March, commanded by the French Admiral Monsieur Fourbin.

In this time the diligence of our Admiralty was such, though England was at that time very bare of ships, that the English squadron before Dunkirk was made up to 36 sail, including some Dutch men of war that had also joined them; and as the French fleet lay in Newport Pits, watching an opportunity to sail, so the English lay off of Graveline, ready to start with them, and resolved, if possible, to engage them in their passage.

However, the French trusting to their canvases, the cleanness of their bottoms, and their nimble sailing, resolved to put to sea, though, as it were, in view of a superior force; and accordingly, the wind blowing fresh at north-west, they weighed and set sail. The various course of the fleets, and the success, as to the sailing part, was the subject of much discourse; I shall therefore be the exacter in it, since it was wondered very much how the French, who lay in view of the English fleet, could so get the start of them, as to be at the Firth of Edinburgh about two days before them; by which, had they not overshoot their port, they might have fairly put their design in execution, notwithstanding all the power of the English and Dutch fleet at their heels.

The wind, as I noted before, blew at north-west a fresh gale, and the French weighing upon the top of high water, went away with the tide of ebb to the northward, keeping the Dutch coast on board, which was then the weather-shore.

The English lying in Graveling-Pits, had the following disadvantages in the pursuit; first, that it was about eight hours after the French were sailed, before they could get notice of it, and be under sail.

It was indeed wondered at by some, why the English fleet, knowing very well that the French were designed for Scotland, which was north; and that they lay in Newport Road, should themselves lye in Graveling, which was at least 25 miles to the south; by which means, whenever the French should sail, they would necessarily be behind them a considerable way.

But this is answered by the sailors, and which I shall not undertake to confute, viz. that it blew very hard, the wind at north, and north-west; and there was no other place where the English fleet could ride with safety.

I shall leave this dispute as I find it, and content myself with only naming it, as I shall others that came after it.

Be it as it will, the matter of fact was so;—the French fleet being sailed about eight hours before, advice was brought to Sir George Byng, who weighed with all expedition, and followed with all the sail he could make.

Sir George had also another disadvantage, viz. That the French sailing with the first of the ebb, he lost a tide of them, so that in their first starting, the French had the advantage of the English fleet, as follows:—Eight hours in time.—Twenty-five miles in space.—And the ebb of the tide.

With these helps, and having first left out the lower tire of their guns to make them light for sailing, their ships being clean, and new fitted, the French ships also being really better sailors, generally speaking, than ours; with these helps, I say, they got a very great start of the English in their first setting out.

When they came to sea, another thing happened, which gave them a yet farther advantage of the English;—the French fleet kept a large offing, as they call it, keeping to windward all the way rather nearer the German coast than the British.

The English fleet bore away for their own coast, and were seen off of Lowestoff and Yarmouth, and from the shore of Norfolk.

The reasons for this different shaping their course seem these;—the French were by all means possible to avoid the English shore, lest they should be taken short by the wind, and might be embayed, and consequently overtaken, having a superior force behind them. Also it was not fit for them to be seen before they came to the Firth, that they might not give the alarm to the English to be ready for them.

On the other hand, the English made their own coast, lest the French should fall in there with their merchants, and sweep the coast of their ships: which had they done, they might indeed have made great havock.

However it was, these disadvantages gave the French such a start of the English,

lish, that they were on the coast of Scotland two days before the English fleet, and had not Heaven blinded their pilots, so as to miss their port, they might have put their design in execution in spite of all our forces.

On Friday March the 12th, they made the coast of Scotland, but found themselves the height of Montross, about fifteen leagues to the north of the mouth of the Firth of Edinburgh, here they made signals, and some boats going off to them, they were informed where they were, then they stood away southward, and spent all that day before they got to the mouth of the Firth.

Now they sent one ship, viz. the Salisbury, up the Firth, whether it was to make any signal to their party, to give notice of their coming, or to get any intelligence, remains yet undetermined; they made the Firth just as the tide was spent, and were therefore obliged to spend six hours more at anchor, under the Isle of Maii, in the mouth of the Firth, and here, on the fourteenth, early in the morning, they find themselves overtaken, their scouts discovering the English fleet standing in for the mouth of the Firth.

Here then, they find their enterprize at an end, their moments are gone, in which they might have put their errand in execution, and now they have no more to do, but to make the best of their way to sea.

Upon this, therefore, they weigh, and stand away for the north with all the sail they can make, and the English fleet after them.

The foremost of the English ships came often within gunshot of them, but not so many as could stop their fleet, or bring them to engage, but they maintained a kind of running fight with those of the English that pursued, in which little harm was done on either side, save that in the night, one of their ships, being the Salisbury, formerly taken from the English, fell in among the English fleet, and being surrounded was taken.

With this booty, and the French out-failing the English, Sir George Byng having pursued them to the north-east point of Scotland, called Buchanness, seen them several leagues to the north of that, and at last lost sight of them, he returned to the Firth of Edinburgh; and keeping his fleet in a sailing posture, with his scouts continually abroad to gain intelligence of the enemy, he continued in the Firth till the beginning of April; when the government having intelligence that the French were returned into Dunkirk with their fleet, Sir George Byng was also ordered southward with the English fleet, and so the whole war on that side ended.

I come now to speak a little of the preparations made by the English, by land, in order to meet this new irruption; supposing the French had landed,—which indeed was not without hazard.

In order to this, such troops as were at hand, were immediately ordered to march northward, particularly they sent away two troops of the Queen's horse guards, the Duke of Northumberland's regiment of horse, with the three regiments of dragoons of Essex, Raby and Carpenter; besides which, two regi-
ments

ments of dragoons, and one regiment of horse were ordered to march to the north of Ireland, to lie ready there to be embarked on the first orders.

Of foot there were thirteen battalions then in England sent forwards, including the Queen's guards, and some new raised, not quite compleat, and ten battalions from Holland.

It is to be observed, that as soon as ever the certainty of the designed invasion came to the knowledge of the States, they ordered transports immediately to carry ten battalions of British troops to England, to assist the Queen's troops there; and when Sir George Byng pursued the French fleet, as above, he sent Admiral Baker with twelve men of war into Holland, to bring those troops to Newcastle upon Tyne, that so being landed there, they might be ready to join the land army, and the ships to join the fleet.

The forces being thus appointed, marched all northward, but the rendezvous was appointed at York; for the Generals knowing the troops in Scotland to be weak, and not assured how the people there would behave themselves in general, had resolved not to march any troops into Scotland till the whole army was assembled, that they might march in a body; and to this purpose the Earl of Leven, with the few forces he had in Scotland, was ordered, if he could not prevent their landing, to make his retreat to Berwick.

The forces, when all together, would have amounted by computation as follows:

<i>Horse.</i>			
In England,	2 troops of guards and horse grenadiers	500	
	Northumberland's horse — —	450	
	Dragoons three regiments, about —	900	
		<hr/>	
		1850	
<i>Foot.</i>			
	13 battalions in England	} about	12,000
	10 battalions from Holland		
In Ireland,	Horse and dragoons about —	1000	
In Scotland,	2 regiments of dragoons, very thin, about	400	
	1 troop of horse-guards and grenadiers	250	
	<i>Foot.</i>		
	2 battalions of guards	} — —	2000
	1 Grant		
	1 Maitland		
	1 Strathnaver.		

So that the whole army, when brought to a body, was supposed to amount together as follows :

<i>Horse and Dragoons,</i>			
England	—	1850	
Ireland	—	1000	
Scotland	—	650	
		<hr/>	3,500
<i>Foot,</i>			
England	—	7000	
Holland	—	5000	
Scotland	—	2000	
		<hr/>	14,000
		<hr/>	
In all	—		17,500.

Beside which, the Dutch had prepared a second convoy to send over twelve battalions more, if there had been any occasion.

A train of artillery was preparing at the Tower of London, and was in good forwardness, so as it might probably have been at the rendezvous as soon as the troops could have well been drawn together.

I have been the more particular in this, because I am drawing every thing to the reader's view, that he may judge of some conjectures I shall make concerning the probabilities of the success of this enterprize, and what might reasonably be supposed to have been the issue of it, since some people have been so weak as to say, it had been better for us to have let them come on shore, and that we should immediately have crushed and defeated them.

It remains now to inquire how the people of Scotland behaved themselves in this critical juncture, and what condition they were in there, to have received the French.

As to the condition of Scotland at that time ; it is to be confessed, the French had all the encouragement imaginable to make such an attempt, from the circumstances of the place, and the temper of the people. As to the circumstances of the place, it is evident that the country was intirely naked, and in a manner defenceless.

The standing forces were few.

The militia just in the middle, between dissolving the old model, and creating a new, so as they were absolutely disbanded, without commissions, without officers, and without any form.

The fortifications out of repair.

The magazines empty.

The new government unformed.

The people divided.

It must be confessed, never was nation in such a condition to be invaded ; and there

there is no doubt, but had the French landed their forces, and got their stores of arms and ammunition on shore, as they might easily have done, if they had not overshot their port—they would with very little opposition have been masters of the whole country.

It may be thought by some remote to my purpose to demonstrate this; but when I consider, what differing notions the people in England have of the attempt of the French and of their success in it; I cannot think it an useless labour to give you a brief essay, at what the event of that enterprize might probably have been, that so we may see what we have to be thankful for.

I am now to suppose the French safe on shore, their magazine and train of artillery landed, and the Earl of Leven, the General for her Majesty, retreating towards Berwick, as he must undoubtedly have done, and as his orders directed him to do, without which his retreat being cut off, he must have been surrounded and taken, or have been cut in pieces, having no place of strength to retreat to.

Had they been thus on shore, there is no doubt, but in two hours they had been masters of Edinburgh, an open city, and without defence; the Castle indeed might have held out some time, but the city could have made no resistance. But that which was worse, the circumstances of the time was such, and the people were so divided, that the city must have sent down to Leith to have sought protection from the French against their own rabbles, and they must have desired the French to have come and taken them into their protection, to have preserved them from plunder and confusion.

I think, whatever the reasons of this were, which I desire to bury in silence, the fact will be readily granted; and indeed all men owned at that time, that if the French landed their forces, they must be masters of the city of Edinburgh without any opposition.

It is true that I am now but upon suggestion and mere supposition, and I do not affirm positively; but I leave it to any man to judge of probabilities, and whether what I suggest is rational or no. When the French were thus possessed of Edinburgh, it is very reasonable to imagine that the first thing they would have done, was to proclaim their king: if the magistrates of the city would not have agreed to have performed the ceremony, the Tolbooth was near at hand, and the citizens being assembled, could soon have chosen new magistrates, who would chearfully have done it.

Their King being proclaimed, it seems rational to suppose, they should next summon the inhabitants to take an oath of fidelity to him; such as refused would have their estates confiscated, and perhaps be imprisoned; and if they got room to flee, would have their houses plundered.

Being thus masters of the capital, and the Queen's troops having fled or retreated towards Berwick, the country exposed to their power; I think I make no trespass on good manners or justice, if I say, the northern Highlanders would have been soon raised by the influence of their superiors, who are for the

most part Jacobites ; these being in arms, the Lowlands are at their mercy, and they had soon possessed themselves of the whole country, the Militia being entirely without a head, and without order, unlocked from the former settlement, and unfixed in a new.

Being thus possessed of the Lowlands, they soon would have been master of the whole country ; and indeed there was very few that durst shew their faces against them, the forwardness of one party, and the divisions and disorders of the other making way for it. When they had thus reduced the Lowlands, they had no more to do, than to call a Convention of Estates, as at the Revolution ; and finding these fast to their interest, the first laws should be to rescind the revolution, declare the limited succession a visible rebellion, and an invasion of the right of another, and thus a compleat national turn should have passed upon us, and the Revolution should suffer a re-revolution in a few weeks, for these things would require but little time : neither is it presumption to suppose, they should have gotten a representative returned, that would have come into such measures, since they having the absolute possession of the country, the influencing them under such circumstances, to the choosing such persons as they should think fit to put upon them was easy enough, instances of which have been but too common in this island, under a less tyrannical power than a French army.

While they were thus settling their civil government, their military affairs could not have failed ; the inclination of the common people about Edinburgh, and the influence of the chiefs and heads of clans in the Highlands, would have soon furnished men for new revolutions, the sixteen regiments which they brought with them, (so it seems they had determined) should have had two hundred men added to every regiment, by way of filling up—five regiments of dragoons, and forty battalions of foot was to have been raised immediately ; the command of these troops was to be given to Irish officers, and of such, they brought great numbers with them ; save only that the colonels and some captains, were to be chosen of the superiors or chiefs where they were raised, to encourage the raising them.

Thus in less than six weeks, they should have had 30,000 men added to the troops they brought with them ; the money they would have given the Highland gentlemen, would effectually have brought these gentlemen to forsake their party, and join with them, and then the design would have gone on beyond expectation.

We are next to enquire what was to become of the English preparation all this while ? You have heard what strength they were of when come together ; but it could not be possible that they could be all brought together, their magazines furnished, (for the French would have taken care, they should have subsisted ill enough in Scotland) their train of artillery have been come up, and they in condition to have marched into Scotland in battalia, as they must have done, under six weeks or two months ; the difficulties of the roads, the country

being at that time very deep, and the carriages heavy, would have made it very bad, marching an army; and the want of forage would have made it impracticable to have done it sooner.

All this time the French and Jacobites in Scotland would have had to have strengthened their new settlement, formed their army, fortified Leith and other places, and have prepared for war.

I shall as readily grant as any body can desire, that when the English army came to be ready, and to enter Scotland, they should beat these new invaders out of all; and that they should in time pay dear for the attempt; but it must be granted this would have these consequences withal: 1. That it would have ruined Scotland, 2. Brought the seat of war home to our own doors. 3. Cause a diversion of our forces, and be an occasion of withdrawing our troops from Flanders, where the enemy felt the greatest weight of the war. And 4. Have exceedingly protracted the war. Those gentlemen that were for having them land, may consult these probable consequences, and they will see, whether they have not very good reason to be sensible of the happiness of the disappointment.

I cannot but take notice here of the temper of the people of Scotland at this time; none will doubt, but the minds of men were variously agitated, as their several tempers, interest and party guided them.—Hope on one side, and fear on the other, discovered itself in a manner which both sides would fain have concealed; nor was there wanting a party, who openly and avowedly professed their desires to have the French land, and their resolution to join with them, and this in so open, so rude, and so threatening a manner, as gave just cause of terror to the honest loyal party, on the other hand, who saw themselves inevitably ruined, if the French landed, by their own rabbles; the other party having openly threatened and marked out the houses of such families as were most eminent for their zeal to the established government.

It was expected, and indeed apprehended very much in England, that those of the Presbyterians, who had before vigorously appeared against the Union, and professed their dislike of it upon all occasions, would have appeared against the government, at this juncture, and either have joined with the invaders, or have formed a third party, and so have made a division, which had, in its kind, been equally fatal.

But in this also they were disappointed, for the people who were most warm against the Union, nay even the Western men, who do not own or join with the Church, yet all, as one man, declared against joining with French invaders, Papists, and a returning tyranny, which they easily foresaw must be the consequence of an invasion; and therefore, laying aside all their old animosities, private grudges, and cavils at the Union, &c. they unanimously declared their resolution to stand together, and with their lives and estates to defend the government and their country against all the powers of France and the Pretender;

and to this end they began to form associations; the Burghers of Edinburgh lifted men, and subscribed for their maintenance, some ten, some twenty, some more, and in other places they were preparing to do the like. The Western men sent them word they would come and join with them, if there was occasion; and in the mean time some of the people called Cameronians made their open protestation against it.

This was a very great encouragement to the Government at that time, when the vaunts of the other party run high, and their hopes were great. But God, in his providence, prevented the evil consequences of this affair, as you have heard: And the good people, who had made great appearances of unanimity, found themselves delivered another and an easier way.

It happened very well at this time, that the Commission of the General Assembly was just set down, and the Ministers, seeing the storm coming, both on the ecclesiastic, as well as civil liberties of the nation, religion and property being visibly struck at together, in the flood of foreign destruction, plainly threatening to swallow up both, appointed a solemn fast to be kept over the whole country.

I shall make no comments on the subject matter of this fast: the act of the Commission does sufficiently shew the sense of the Ministers, and in what manner the invasion was like to be relished among them, and therefore I have inserted it in this place, to record the temper that appeared at that time; and what hope the Pretender, or his party, had ground to raise upon the supposed divisions of the Presbyterians about the Union.

An Abstract of the said Act of the General Assembly is as follows.

At Edinburgh, the fifth of March, one thousand seven hundred and eight years.

THE Commission of the General Assembly, being sensible of the great wickedness, and crying sins of all sorts, abounding amongst us in this Church; and being, in the just judgment of God, threatened with an invasion by an enemy that hath employed his power for the ruin of that holy religion which we profess, and the enslaving of Europe; and who designs to set a Popish Pretender upon the throne of these nations, to the utter overthrow of the true reformed religion, all our interests sacred and civil, and all that God hath graciously wrought for us by the late happy Revolution, and hitherto preserved to us; and being sensible of what we owe in gratitude to our only rightful and lawful Sovereign Queen Anne, do look upon it as our duty, with a regard to the honour of God, the preservation of our religion, the quiet of her Majesty's government, and the good of our country, to humble ourselves before the Lord; and to call all persons in this national Church to humiliation, fasting and prayer, to turn to God

in Christ, our only propitiation, and to cry mightily to him, that for the blood of his Son, he would forgive our grievous sins, give us a sound and understanding heart, remove our spiritual plagues, and to unite us to God, and to one another in him ; that he would avert the deserved wrath from these sinful lands, in disappointing the designs of our bloody and cruel enemies, defeat the threatened invasion, maintain peace and truth amongst us, bless the Gospel with success, by the effusion of his Spirit, preserve her Majesty's person, direct her councils, prosper her arms by sea and land, and bring these wars to so happy an issue, as may be for the relief of our oppressed brethren abroad, and the security of the Protestant Churches.

And the said Commission hereby appoints the first Thursday of April next, to be religiously observed in all the congregations of this national church, as a day of solemn fasting, humiliation and prayer for the causes above-mentioned ; and appoints the ministers of this church to make intimation of the premisses, publicly from their pulpits, upon the Lord's day immediately preceding the aforesaid day of humiliation, and to be more particular in specifying the sins of these lands, as they shall see cause.

This fast was approved of by the Privy Council, and their civil sanction given thereto.

And the Queen, in her letter to the General Assembly, 1708, did shew her satisfaction with the zeal and affection the Ministers of this church had shewn at that juncture.

The greatest part of all the Presbyteries of Scotland, and Synods, addressed the Queen also on the subject of the invasion ; and the General Assembly declared their sentiments thereof ; 1st. In their answer to the Queen's letter ; 2dly. In their address to her Majesty ; And 3dly. In their national thanksgiving, inserted in their printed acts, pages 6, 8, 10, 12, 13.

Besides all this, many parishes drew up addresses to the Privy Council, shewing their resolution to venture their lives and fortunes in defence of her Majesty's person and government ; and craving leave to put themselves in a posture of defence ; and in many places the Presbyterians did subscribe for considerable sums, to be paid when called for, in order to buy arms, and to maintain men for the ends aforesaid. Some burghers in Edinburgh, subscribed to maintain 50 men, some 40, some 30, some 20, and some who were poorer, subscribed for fewer ; and all this was done by the advice, and with the allowance of persons intrusted in the government by her Majesty.

But this is not all, the seasonableness of this solemn fast was such, and so serviceable to the Government, being brought out at the very juncture of time, when the eyes both of friends and enemies were upon them, that it must be acknowledged it shewed not only the zeal of the Presbyterian Ministers for the Queen, the Government and their established interest ; but it shewed their wis-

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dom and prudence in so happily timing an action of that determining consequence, and taking the very moment of its being most effectual, as well to convince the enemy that they had nothing to expect that way, but the whole united force of the Presbyterians against them; to satisfy the Government and the English nation, among whom jealousies of the contrary had been industriously spread; that the Presbyterians, one and all, would declare against the invaders; as also to settle and determine such among themselves, if any such were, who might be otherwise unfixed in their resolutions, and doubtful what course to take.

Nor was this all, but the Ministers in Scotland, in their respective parishes, upon the occasion of the said fast, applied themselves to the informing their people, what the real views and probable consequences of this attempt were, what was threatened to their Church, to their established religion, to their liberties, to their Protestant succession, and to the Revolution; how, whatever the specious pretences of preserving the established Church might be, Popery in principle, and Tyranny in practice, were certainly incompatible with the Protestant establishment of Scotland, which was founded in liberty, depended upon law, and could not subsist, humanly speaking, but upon the supported basis of law and liberty together; that the invasion was a visible appearance of French and Popish tyranny, the same that for twenty-eight years had influenced the councils and governments of Scotland, while they trampled on the Church of Scotland, silenced their preaching ministry, persecuted and barbarously murdered their innocent brethren, and bid defiance to the laws of God, and the liberties of Scotland; that these days would inevitably return upon them, and that all the miseries they had formerly felt, were effectually contained in the womb of an invasion.

By this method the Ministers opened the eyes of the whole nation, and the people, roused by this happy vigour in their clergy, began to stir every where; immediately a new face appeared upon the public affairs, the general dejection and hesitation, which seemed before to make the people look dark and unresolved, was quite removed, and nothing was to be seen among the Presbyterian party of the people, but associations, addresses, preparations for fighting, fitting up their arms, and a cheerful resolved temper of fighting the French wherever they were to be found.

Some of the Ministers themselves were so vigorous in this, that they caused their whole parishes to associate and bind themselves, one to another, and all together to the Government, to stand as one man against the invaders.

The service this did the Government, the encouragement it gave in England, and the discouragement it gave to the Jacobite party at that juncture, was such, as the last especially will not easily forget; and I thought it very useful to transmit the memory of it thus to posterity, that they may know how their ancestors acted in this great affair, and how they ought to act on the like occasions.

In this posture the affairs of this island stood, when the French, baffled by the immediate hand of God's providence, in missing their port, were pursued by the English fleet, and made their escape by the goodness of their sails to Dunkirk, where their troops were put on shore, and so the expedition ended.

The ten battalions which came from Holland to Newcastle, were not at all landed, but went immediately back, and were in the field again time enough to shew themselves in the first of the campaign;—the English troops marched back without entering into Scotland; the prisoners taken on board the Salisbury were brought to Hull, and treated as prisoners of war, in order to be sent over to Holland for exchange.

The Lord Griffin, with the two sons of the Earl of Middleton, and 15 Irish reformed officers were carried to London; the three first were committed to the Tower, and the Irish to Newgate, being to be tried as traitors against the Queen, whose natural born subjects they appeared to be.

The Lord Griffin having been formerly attainted and outlawed, it needed not that he should be brought to any trial: but, being carried up to the Queen's Bench bar, he received sentence of death on the foot of the said outlawry, without any trial; however, the Dauphin of France having wrote a particular letter in his behalf, to the Duke of Marlborough, to intreat the Queen's mercy to him, and that he (the Dauphin) made it is request to the Queen, the Lord Griffin being his servant;—the said Lord Griffin was reprieved from time to time, and is yet living in the Tower, at the publishing these sheets.

The Irish officers also, and the Lord Middleton's sons remain yet prisoners.

On the other hand, great heats and disputes happened about the gentlemen who were taken up upon suspicion.

The Parliament, in the heat of the alarm, had passed a bill suspending the Habeas Corpus Act for a time, so far as should concern the persons apprehended on this account, and empowering the Queen to take up, and keep in prison, such persons as there should be ground to suspect were guilty of confederating with, or encouraging the invaders.

Had the gentlemen concerned been apprehended in any other juncture, they would perhaps have had no other trouble than to have lain still, and when the thing had been over, have been released again, as was done at that time in Ireland.

But the fury of our divisions on either hand run so high, that this could not be: Some thought the persons taken up had more hand in the invasion than appeared, and that they ought not too lightly to be let go, lest it might encourage both them and others to make the like attempt again.

And these were very warm for prosecutions, and for proposing rewards to encourage persons to come in to charge the prisoners, and would have all manner of methods tried to fasten something upon them.

Others again inveighed against the Ministry in Scotland, as having partial and party-regards in the picking out such or such persons to put in prison, on pretence

tence of this suspicion, as might gratify the private designs of particular persons, either as to private pique and personal revenge, or to prejudice their interests in elections, there being a new Parliament then to be chosen.

These contentions, however grounded on either side, had certainly this effect, that they gave a great deal of trouble to the prisoners, which otherwise might have been avoided; for the Ministry seeing such pointing at probable guilt on one hand, and such complaints of injustice on the other, found it necessary to make the proceedings more formal, and to have all the gentlemen up to London, that they might either be prosecuted, or let out upon bail, as the Council should direct.

Upon their coming up to London, they were all admitted to bail, except four, who were committed to prison, and were after sent to Scotland to be tried; but these however were acquitted, the Lords of the Justiciary and her Majesty's Advocate differing upon some forms; particularly the Lords refusing to admit the Lord Advocate to produce more witnesses, after the first day of trial.

It is not my business to enter into this dispute, otherwise I could be more large on this head: But the Government was so sensible of the inconveniencies of the old method of prosecuting upon treason, from this nicety, that presently upon this the Parliament resolved to bring in a bill to make the laws for trials, in cases of treason, the same in Scotland as in England.

From this period is also to be dated the distractions which followed in the affair of religion, and of which I think it is very material to speak, because they have made a great noise in the world, and every one is not rightly apprized of the thing, particularly many have entertained prejudices against the good people in Scotland, as if they had been acted by a spirit of passion and persecution, when indeed, upon a full and clear examination of the matter of fact, the contrary will evidently appear; and therefore I could not satisfy myself without doing this piece of justice to the church and people of Scotland; as to give an impartial relation of the fact, as it is attested out of the public registers, by the proper officers: and being myself an eye and ear-witness to every part of the proceeding.

About the end of February 1707-8, Her Majesty by her letter to the Privy Council in Scotland, gave notice of the intended invasion, backed with a French power, designed against Scotland; recommending to them the security of the kingdom, the preservation of the public peace, and that they would use all possible means to that effect.

The Privy Council taking this affair into their consideration, it naturally occurred; that to discourage the enemies of the Government at home was, among others, one of the best steps to prevent the mischievous consequences of an invasion from abroad; and in order to this, that it was reasonable to suppress the public meetings of those, who, under pretence of divine worship, admitted such Ministers to officiate, as the law in that case had prohibited, having not
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qualified themselves by taking the oaths, praying for the Queen, &c. by which the public disaffection was upheld and encouraged.

It was then agreed to, *nemine contradicente*, in the Privy Council, and for the truth of which we refer our readers to the minutes of the Council for proof; That orders should be issued out to all inferior Magistrates to put this resolve in execution; and orders were accordingly issued out to the Magistrates of Edinburgh for that purpose, who thereupon legally called before them several Ministers or preachers, who were known to keep public meeting-houses within their bounds, asking them plainly, in terms of law, If they prayed for her Majesty, *nominatim*, in their public meeting houses; and if they had qualified themselves, by taking the Oath of Allegiance, and subscribing the same, with the Assurance, as the law required?

Some of them answered directly; but others avoiding the question, required a legal trial by way of libel and proof; which was accordingly appointed, and whereof the precise points were, their not taking the Oath of Allegiance, and subscribing the same, with the Assurance; their not praying for her Majesty, *nominatim*, as the law requires; and their not observing public fasts and thanksgivings; all which were notour, and being negatives, proved themselves.

To this libel the aforesaid preachers made answers, and also took a protest, that they were not legally cited, not being called thither on fifteen days, as the old law requires, or on ten days, as the late act of Parliament against intruders prescribes.

To which it was answered, that, as to the fifteen days, the known and perpetual custom within burgh had over-ruled it to twenty-four hours; and as to the ten days, they were only appointed in the trial of intruders. But the preachers called, being convened for notour disaffection by not praying, and by not taking the Oath of Allegiance, nor keeping fasts and thanksgivings, the citations were good, and the procedure unquestionable; and yet the Magistrates thought fit to give them a further indulgence, and to allow them to give in all their defences.

The sum of which defences, as contained in a representation exhibited by the said preachers, being, first, the foresaid dilators to this; they added, that by the act of Parliament, 1693, requiring all Ministers and preachers to take the Oath of Allegiance, it is provided, that the contravener shall be punished by banishment, or otherwise, as the Privy Council shall think fit, and therefore the libel was improperly tabled before the Magistrates.

It was answered, to the first dilators, that the former answers were repeated; and to the second, that the Privy Council having referred the execution to the Magistrates, there could be no more debate about the competency on that head.

But then they went on to object against the relevancy.—And as to the act of the Convention, ordaining all Ministers to pray for the King and Queen, *nominatim*, they answered, that that act did die and expire with King William and Queen Mary. And as to the act 1693, ordaining all preachers to take the Oath of Allegiance, and sign the same, with the Assurance; they answered, first,

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that that act did only concern Ministers provided to benefices and stipends; and could not be extended to such preachers as enjoy no benefice under the Government; and secondly, the act recognizing her Majesty Queen Anne, enjoins the taking of the Oath of Allegiance, &c. to such as are in public trust, and preachers not beneficed cannot be said to be in any public trust; and thirdly, the act of Parliament, 1693, limited to the persons of King William and Queen Mary, is out of doors with them.

To which it was replied, that the act of Convention, ordaining all Ministers and preachers to pray for the King and Queen, *nominatim*, is certainly to be understood likewise of all their royal successors, especially since it is so plainly founded upon the command of the Apostle, and the duties of all subjects; secondly, the act, 1693, expressly relates to all preachers, whether beneficed or not, and withal defines all preachers to be persons in public trust; so that the act recognizing her Majesty did exactly fall within it, and affords no relief to the defenders: And thirdly, the act 1693, though it mentioned King William and Queen Mary, yet is not limited to them, but, being a perpetual law, extends to all their royal successors; like as by the said act recognizing her Majesty, it is *de facto* so extended.

Which defences and replies being read and considered by the Magistrates, they repelled the dilators, as also all the other defences proponed for the defenders, and found that, since they had not prayed for her Majesty Queen Anne *nominatim*, and taken the Oath of Allegiance, &c. they had incurred the pains of law; and therefore ordained them, and every one of them, to desist from keeping of any meeting-houses, within the city of Edinburgh, and liberties thereof, and from preaching or exercising any part of the ministerial function within the same in time coming, under the pain of imprisonment, and to find caution for that effect betwixt and the 30th day of March then instant, and in the mean time that their meeting-houses be forthwith shut up. But though this sentence was then past, yet nothing followed upon it, until that the Privy Council of Scotland being determined by an act of Parliament, after the first of May, these disaffected people, judging that the Council's orders were also expired with the Council that gave them, did about the 20th of June fall again to their preaching, and entered their meeting-houses; and further they resolved among themselves, that they would continue to preach and not desist; which moved the Magistrates to renew the former prohibition, about the said 20th of June last, which they still neglecting and despising, they were again called before the Magistrates about the 16th of July, and required to find caution or bail to desist, as being the known legal execution upon such prohibitory sentences, or otherwise to go to prison. But they still refusing to obey, the Magistrates thought fit on the 13th to send five only to prison, which five were also at length relieved; so indulgent were the Magistrates in this matter.

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This whole trial, and all the steps thereof, being transmitted to her Majesty, it pleased her Majesty, by her Royal Letters, under her hand and seal of the 18th of September last, to approve what was done by the Magistrates of Edinburgh in the said matter, as acceptable service; and further to judge it necessary for the safety of her Royal Person and Government, that all such meeting houses in every other place should be shut up.

Thus far the matter of fact.

It is most true, that in this first prosecution, there was no other or further design, than the giving a check to the invasion, and to the insolence of some of the non-jurant party, who at that time began to be more formidable in Scotland than in England; and this is apparent in the lenity and forbearance of the Magistrates and Justices of the Peace in Scotland, who as soon as the invasion was over, and the danger from abroad seemed at an end, were very easy with them again; the Ministers, who had been confined, were silently let go, and their former liberty connived at again; so that their meetings became as frequent as they were before, notwithstanding they still refused to take the oaths, or pray for the Queen.

But here it began to appear, that there were some among those people, who had other aims in these things, than merely the liberty of their consciences, and the worshipping God; and that something ought to be attempted to make the people uneasy, and to bring them by force to prosecute and attack them.

And to this end, since refusing the oaths, since refusing to pray for the Queen, nay actually praying for the Pretender, would not provoke the Government and Magistrates in Scotland to persecute; they find out another expedient, which they are assured will not fail, being what they know the Scots will not bear, whatever it cost them; and this was erecting the Common Prayer or English Liturgy in Scotland.

The people that made this attempt, behoved to get somebody to do it; that however Jacobite he might be in principle, was yet latitudinarian enough in conscience, that he could swallow all the oaths which should be offered to him; indeed some of the Jacobite clergy were so honest, that as they would not take the oaths, so they did not approve of this attempt; but openly disavowed it; nor had the Episcopal people in Scotland ever set up the English Liturgy, although they had reigned in Scotland for twenty-eight years together, before the Revolution.

But the design being concerted, they found a tool: A poor curate of 15l. a year in Ireland, but born in Scotland, comes over to Edinburgh to mend his commons; and having taken the oaths, he falls in with this party, who finding him a person of prostituted morals, a large stock in the face, and ready, if well paid, to do their work, they promise him fourscore pounds a year, and accordingly begin a subscription for it.

Some English gentlemen had, it seems, promised him some encouragement towards that sum to be raised, and this they make a handle of presently, and reported that this was set up to accommodate the English strangers who could not conform to the Presbyterian Church.

But the English gentlemen seeing into the design, and that they were to be made a property to embroil the Government, and foment a division between the two lately united nations, they soon abandoned him and his design; however, he resolved to put his project in execution, and accordingly takes a house just at the cross in Edinburgh, fits it up for a chapel, and begins to read the English service.

The people, as every body knew they would, immediately took fire at the thing; but not doing him the honour to rabble him, which seemed to be what his party expected, they complain to the Magistrates. The person that had let him the house, finding what use he was putting it to, began with him, and on pretence of his having made some spoil in pulling down partitions, &c. not authorized by his contract, gets him turned out of the house, and so he betakes himself to a place less public, but still goes on with his Service-Book worship. However, it gave less offence here; the other seeming to be a defiance of the laws. It happened at this time, or in a few days after, that the Commission of the General Assembly was to meet; as soon as they sat down, a Representation or Address is made to them by the inhabitants of Edinburgh, and other places, against this thing. The paper mentions other complaints indeed, but this was the main thing aimed at. The Address is as follows:

*Unto the very Reverend and Honourable, the Commission of the late General
Assembly of the Church of Scotland,
We the Neighbourhood of the Town of Edinburgh and Suburbs, Under-Subscribers,
do most humbly represent,*

THAT notwithstanding the many good laws and acts of Parliament, and particularly the act 6 and 7, Par. 1707, made for the settlement and security of this National Church, and against all incroachments upon her rights and privileges, or innovations in her doctrine, worship, discipline or government; and of her Majesty's repeated assurances in her Royal Proclamations, Letters to her Privy Council, and the General Assemblies of this Church, to maintain and defend the same in its present establishment, against all such unlawful intrusions, incroachments, and innovations, particularly her Majesty's Proclamations against unlawful intruders into churches and manses in Scotland, dated September 20th, 1708.

Yet to our very great surprise, several of the Episcopal Clergy, prompted and instigated thereunto by the Jacobite party, who are equally disaffected to the civil as to the ecclesiastical constitution, have of late, not only erected meeting
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houses in this city, after the Scots Episcopal way, but also in several places here, have set up the English service, which as it is contrary to our establishment, and very grievous and offensive to us, and all others who are well affected to her Majesty, and the present establishment, so it will prove of fatal and dangerous consequence to the Church, if not speedily remedied.

It would be considered, in the first place, that several of such as preach in these meeting-houses are known not only to be unsound in their judgments; but also scandalous and immoral in their lives and practices: and however they may pretend to be qualified according to law, yet if they were not secret and heart enemies to her Majesty, and the present Government, they would never yield themselves tools to a Jacobite party, for carrying on their wicked and pernicious designs.

2dly. They cannot pretend it to be a matter of conscience, in setting up of the English service here; for, abstracting from Presbyterians, even the body and bulk of the Episcopal persuasion in Scotland, have never been fond of the English way of worship; but upon many occasions have testified their dislike of the same; and none of them scruple to join in communion with this Church, but such as are either openly profane, and will not subject to church-discipline, or avowed Jacobites.—And therefore,

3dly. We conceive, that by these illegal and unwarrantable incroachments, intrusions and innovations, they design no less than the ruin of both Church and State; for, as the setting up of the English service here did, in former times, breed much trouble and confusion in this Church and nation, so at present it does raise and foment jealousies and heart-burnings in the minds of people, otherwise zealously affected to her Majesty's Person and Government, and exceedingly widens the breach betwixt us and the separating parties on both hands; and the instigators to, and abettors of these practices are in big hopes, and not without too good and evident grounds, that this will prove an effectual mean of alienating the hearts and affections of many of our Queen's best and most loyal subjects from her Majesty's Person and the present establishment, and that by this means they shall effectually wound and weaken the Church on both sides, and also ruin the civil government.

We must also humbly represent, that albeit we have many good and laudable laws and acts of Parliament against Popery and Papists, their trafficking and preaching in Scotland, particularly against their teaching of any science, art and exercise within the same, and against all irreligion and blasphemies, yet Papists do openly and avowedly teach and practise even within the city of Edinburgh, and suburbs: and now also a profane and deluded crew of enthusiasts are set up in this place, who, under pretence to the spirit of prophecy, do utter most horrid blasphemies against the ever-glorious Trinity, such as ought not to be suffered in any Christian Church or nation, seeing this strikes at the very root and vitals of all religion,

religion, and is set on foot by Satan, to confound (if possible) all solid thoughts of a Deity among us.

We have, for brevity's sake, represented but few of the many inconveniencies that will certainly follow the suffering of such practices, and do judge it our duty, in all humility to lay them before the Reverend Commission, seeing you are set by the Church of Scotland upon the watch tower, to advert that the interest of Jesus Christ and the present establishment of this Church do not suffer or sustain any prejudice which you can prevent; particularly to take special care to keep and maintain unity in the Church upon all emergencies; and to see the due execution of the acts of the Assembly, which are very plain and express against such innovations in the worship of God, particularly the act 15 General Assembly 1707. And therefore humbly and earnestly beg and entreat, that, as you tender the glory of God, the peace and unity of this Church, and the quiet and safety of her Majesty's Government, you would use your utmost endeavours for suppressing and crushing such intolerable and pernicious practices and designs in the bud.

And your supplicants shall ever pray, &c.

This address was signed, in less than three hours, by between two and three hundred people; the like address came from Haddington, and the like were preparing almost all over the kingdom; but this having an immediate answer, in the application of the Commission of the Assembly to the remedy, the other addresses were laid aside.

For the Commission of the Assembly immediately fell upon the work, and passed an act, in which, among other things, they asserted the legal establishment of their Church by the Revolution, by subsequent laws, and those laws receiving the general sanction of the Union, against all manner of innovation; in just execution of which laws, they referred it to the respective judicatories of the Church, such as Kirk Sessions, or Presbyteries, to proceed forthwith against such innovations or innovators as should be found in their respective bounds.

In the consequence of this act, the Kirk Session of the north-east parish of Edinburgh, called commonly the College Kirk, presented this new come innovator to the Presbytery of Edinburgh, who accordingly cited him before them.

I shall only give a summary of the proceedings against him, for it is not their form of proceeding, but the nature of the thing that seems to call for this prefatory narration. It is to be observed, that the Presbytery did not proceed against him upon the subject of innovation, or his having set up the Common Prayer at all, nor was it once mentioned to him, or in the sentence of the Presbytery; but they first demanded, Who he was, Whence he came, and, What authority he had to execute the office of a Minister? and not being able to produce any legal ordination, or ministerial induction, except from the exauktorate deposed Bishops, to whom, neither by the Church of Scotland's constitution, or by the Episcopal Church of England's constitution, any such power or office remained

remained, they proceeded to their sentence against him, declaring him incapable to exercise any part of the ministerial function in their bounds.

He declined their authority; treated them with contempt; refused to appear at their subsequent citation: they took no farther notice of him, but sent a copy of their sentence to the Magistrates of Edinburgh, in order to the Civil Power putting it in execution.

In pursuance of this sentence, the Magistrates sent for him, and giving him intimation of the sentence of the Presbytery, they give notice that he do not presume to preach any more within the bounds of the city, on pain of imprisonment, and gave him time to show his obedience to their order: he carries himself with the same haughtiness to the Magistrates; tells them positively, that he would not obey them, and accordingly the next Sabbath he preaches openly in the city; nor yet would the Magistrates have committed him, had he not insolently triumphed in his contempt of their authority, appeared openly at the cross, to let them see that contempt, and by all the methods possible to him, insulted them in the affair of their sentence.

This brought the Magistrates to an absolute necessity to commit him, in vindication of their authority, and that they might not give their own consent to be trampled on by the whole party; accordingly they sent for him again, and still offering him his liberty, upon obedience to their former order, and the sentence of the Presbytery, which he insultingly refused, they committed him to the Tolbooth of Edinburgh.

It were very little worth while to fill this Preface with the story of this person, were it not the occasion of bringing upon the stage debates of several kinds, which it seems necessary to set in a clear light to the world; in the misrepresenting which, the Church as well as people of Scotland really receive much wrong, to whom, I think, it is the duty of an honest man, as well as of a faithful historian, to do justice.

The cases are such as these:

Whether the Scots in these prosecutions are not persecutors for conscience?

Whether the Episcopal deposed Clergy have yet a right to ordain Ministers?

Whether the Episcopal Church of Scotland, and the Established Church of England are at all of kin, or no?

Whether toleration of Episcopacy and the English Liturgy can be established in Scotland, or no?

I shall say something to all these, so far as matter of fact and a historical narration requires, and something by observation, as far as the civil rights of Scotland are concerned, and thus far I think they are proper to be spoken to by way of Preface: as to the theological part of the dispute, I shall have occasion to handle it elsewhere, neither can it be reasonable to expect it here.

In taking notice of the first of these queries, Whether the Scots in these prosecutions are not persecutors for conscience?

It may be alledged, That all prosecutions of law, where the offender pleads Conscience against his obedience, are persecutions for conscience; and if this be brought by way of argument in this case, then my answer is very brief; the Scots, and with them all the Christian nations in the world, but especially the Church of England, are persecutors, and without question ought to be so.

But if you will restrict the term persecution, to the generally received sense of it, viz. disturbing, prosecuting, and pursuing the peaceable exercise of religious worship, performed merely in obedience to the dictates and commands of conscience; then I may safely challenge all the world in behalf of the people of Scotland, to shew the least vestige or appearance of persecution among them.

I think, while I am in this argument, addressing myself principally to the people of England, and among them to the Church of England, I can do nothing better, than bring their own practice to a parallel with the Church of Scotland, as a strong and convincing way of arguing, to them especially, in the case I am upon; and first, I take the authority of the Parliament of England against persecution, in the great Act for Settlement of the Toleration, where it is said, "Whereas it is reasonable, that all just tenderness should be shown to tender consciences," &c. Then in the preamble of the late famous Occasional Bill, are these words, "Whereas persecution for conscience sake, is contrary to the principles of the Christian religion, and the doctrine of the Church of England." Take these two, and compare them with the Act i. William and Mary, cap. —. By which all those ecclesiastics, who would not take the oaths, are deposed and deprived *ab officio et beneficio*; and it will necessarily follow, at least in my opinion, that either the Church of England, in deposing the non-jurant clergy in England, acts contrary to her own doctrine and the principles of the Christian religion, *ut supra*: or, that deposing and depriving the non-jurant Bishops, &c. is not persecution for conscience.

I humbly refer this to the determination of all that shall read impartially, if it be not clearly and fairly stated.

If then deposing and depriving the Clergy of the Church of England in England, who refuse to take the oaths to the Government, be not persecution; it remains for the other party to prove, that the same thing in Scotland can be called persecution, and in England no persecution.

The deposing Episcopacy itself in Scotland, seems to come in question here, and would require a long discourse; but as I am speaking chiefly to the Church of England in this case, I am very willing to make her a judge; and I presume it will be arguing *ad hominem*, to say, though I do not lay the stress here neither,

That deposing Episcopacy in Scotland, and deposing Popery in England, stand in many cases upon the same foot; and the Church of Scotland has offered little or no violence to the Episcopal Church in Scotland; but what the

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Church of England has offered to the Roman Catholics in England : Now though in general this would be no argument, yet 'tis a reason in this case, why the Church of England, above all other, ought not to charge the Church of Scotland with persecution in that particular. But to go further, the Church of Scotland did not immediately pull down Episcopacy, I mean, the Church abstractly considered in her ecclesiastical circumstances ; but it was done by the Government of Scotland, the body of the people, I mean the Parliament before the Presbyterian Church was established. And it is evident, by the claim of right, that Episcopacy was turned out of Scotland, not as a thing established, but as an intruder upon the established religion, which Scotland had from the very Reformation embraced, which they had sworn in their national covenant to maintain, and which by law it was their right to restore : in short, Episcopacy was turned out as a man, who has had his estate taken from him by oppression, recovers his right by law, and then dispossesses the wrongful incroacher or invader, and enters upon his own.

Universal history will allow, that the Scots reformed first into the Geneva model, by the agency of the famous John Knox and others, and that they had no Episcopacy in their first establishment at all ; nor can all the labour that has been spent to make the Superintendents, who were sent into the several parts of the kingdom, to settle ecclesiastic affairs, look like Bishops,—for this will forever supercede that suggestion, viz. That these Superintendents, though vested with power over the Ministers they went to visit, yet received that power from, and exercised it in subordination to the General Assembly of the Presbyterian Church, and were often called to an account, censured, and removed by the Synods, nay, and some say, even by private Presbyteries. See Calderwood's History of the Church of Scotland.

Episcopacy in Scotland being thus supposed an invader and spoiler, the Revolution did no more than take from them their usurped authority, cause them to disgorge what they had most unjustly devoured, and the invader having thus been turned out, the right owners of the house came again, and took possession of their own ; and this can by no means be called persecution.

My second enquiry is upon a new dispute, and I think admits of no difficulties in matters of law, whatever it may in matters of conscience, viz. Whether the deposed exauctorate Bishops have power left to ordain Ministers ? Indeed the question seems rather to lie here, whether such preachers as shall be licensed or ordained by the exauctorate Bishops, ought to be esteemed as Ministers, especially in that church which has so deposed them ?—This being the present debate, it rather respects the civil than ecclesiastic part of the question.

It seems to me highly absurd, that the Church of England should receive as a Minister among them, a man ordained by him whom they will not own or receive as a Minister of their Church ; for if the Bishop after deprivation shall ordain

dain Ministers, how then is that Bishop deprived *ab officio*? Nor indeed do I know that the Church of England has at all admitted this absurdity among them; the thing is only started in Scotland to beget new broils on that head; and it seems still more absurd, that the non-jurant Bishops in Scotland, should have power to ordain a Minister of the Church of England.

But to support this absurdity, a worse is started among us, viz. That the Episcopal Church of Scotland is incorporated into the Church of England by the Union, and this is the reason of my third enquiry.

3. Whether the Episcopal Church of Scotland, and the present established Church of England, are at all of kin or no?

This enquiry, if it be directly traced, will lead to a new question, viz. What is to be meant by the Church of England? I mean in this question only, and therefore I shall answer it both ways very briefly.

If by the Church of England we mean, the Church as now established, or rather recognized by the Revolution, and now received and acknowledged by the Queen and Parliament; then indeed this pretended incorporation is an absurdity, and there is no more any such thing, than there is an incorporation between God and Baal; for the Church of England, so understood, has spued the other out as illegal, has rejected her as Jacobite, and has joined in and consented to by the Union, the establishment of the Presbyterian Church in her stead, and upon her ruins, as the true Protestant religion, and established national Church of Scotland, vide the Act of Union; and from this stipulation, she (the Church of England) herself, cannot go back; but if on the other hand, by the Church of England, is to be understood the Dodwellian-Jacobite-Faction of the Church, who refuse to own either the religious or civil establishment now reigning in Britain, esteeming the Queen an usurper, the Revolution a rebellion, and the Church of England schismatical, if thus they understand the Church of England, then they and the Episcopal Church of Scotland may, for ought I know, be incorporated into each other, and may be esteemed one body; and they are welcome to be so accounted: but how this is done by the Union, remains for those gentlemen who pretend to it to make out.

I think, I need not descend to many arguments in this case; the case is evident, the Episcopal Church in Scotland being entirely Jacobite at this time, cannot be said to incorporate with the Church of England, who acknowledge Queen Anne, because they reject her as schismatical and apostate, and that they can reject her, and be incorporated into her at the same time, seems impracticable and absurd.

It remains to enquire, whether Episcopacy and the English Liturgy may not be tolerated in Scotland? And here I shall wave the various arguments about the necessity and obligation which lies on all Christians to pay reverence to conscience, and in order to give all possible liberty to religious opinions; but I shall lay the stress of my present arguing another way.

First, speaking of Scotland, we are to distinguish between tolerating of Episcopacy, and tolerating of Jacobitism; and if this be distinguished right here, we shall have little need of the question at all; and in the name of the Scots, I may very well say to the Church of England,—Gentlemen, when you please to tolerate Jacobitism by law in England, we will consider of tolerating Episcopacy in Scotland; and this way of arguing seems very just, because if you please to abstract Jacobitism from Episcopacy in Scotland, you will leave no Episcopacy there, but what is already tolerated by law, viz. by the Act the first Parliament William and Mary, which ordained that all those Episcopal Ministers who would take the oaths should continue in their Churches, and there they remain to this day; a kind of toleration much superior to that in England, for these enjoy the Presbyterian stipends and manse, and in some of their parishes the established Church Ministers preach by them in meeting-houses to this hour, as Mr. Ponton in Kinghorn, and others; if the Church of England will not call this toleration, they will find it hard to tell us what is toleration.

The champions of this toleration project, finding this argument turned too hard upon them, have set up a new one, and which therefore I have added in the question, and this is about tolerating the Common Prayer book in Scotland; and this brings a new dispute upon the stage, a dispute that seems to have more policy than religion in it, and I doubt not but it will soon be detected.

That this is not a case of conscience, but a party trick to embroil, will appear, if we consider two or three things.

1. That for twenty-eight years preceding the Revolution, when the Episcopal Church was (humanly speaking) triumphant in Scotland, they never admitted of the English Liturgy among them; nor was it ever attempted for one hundred years before, but once by Archbishop Laud and his party, which attempt was the overthrow of all the contrivers, and it is more than probable may be so again, if they go on with it; this proves it is not any part of the profession of the Episcopal Church of Scotland, and therefore cannot be said to be demanded in behalf of conscience.

2. From the Revolution to the time of the Union, during which time the Episcopal non-jurant Clergy in Scotland have erected several meetings or conventicles of their party for religious worship, they have had very little thought of the English Liturgy, but what of it is come among them, is a mere innovation thrust in upon them by the artifice of a party, in part to claim kindred of the Church of England, and partly to inflame and enrage the people of Scotland, who they know are averse to it.

3. At this time, while the leaders of the party are imposing this upon the Church and people of Scotland; they have some difficulty to make their own people agree to, and espouse it; the thing is so far from being desired by the people in Scotland, that even those who frequent their meetings, that are Episcopal in religious principles, and Jacobite in political principles, yet shun the

Liturgy, dislike it, and are with difficulty and reluctance brought to bear it; nay in most parts they will not comply with it, but abandon those that read it, and throng after those Episcopal Ministers that decline it.

These are sufficient to make it appear, that the attempt of erecting the Common Prayer Book in Scotland, is not founded in the consciences of the people; that it is a politic design to carry on a party interest among us in England, and embroil, if possible, the people of Scotland with the Government, is evident from the last head, that they are at pains to bring their own people to espouse it, which if it were not to serve their civil interest, it will be hard to suggest on what foundation they make the attempt.

But I come next to enquire into the civil rights of Scotland as they stand, either supported or invaded by this attempt; if then the Church of Scotland has a civil right to the ecclesiastic immunity she enjoys, and that the Union had confirmed these rights, then nothing can be imposed upon her, against her present settlement, without breach of the Union: And this, I presume to say, no human authority now established in Britain can so much as attempt, without dissolving the very Constitution.

By the Union then, and the several acts of Parliament for the security of the Presbyterian Church, which are confirmed by, and made part of that Union; the purity and uniformity of the worship, discipline and government of the Church of Scotland is to be preserved to the people of Scotland without any alteration; mark these words, I repeat them again, *without any alteration*, to all succeeding generations.

If any man will say, that tolerating the Common Prayer can consist with preserving the uniformity of the worship, or the tolerating Episcopacy can consist with the preserving the government of the Church, or either of them with preserving the discipline; then I may be ready to enquire further.

On the other hand, if they are not, then they cannot be offered to the Church of Scotland; nor can even the Parliament of Britain erect such a toleration without invading the Union, which I humbly conceive they have not power to do.

Nor can the Church or people of Scotland legally give their consent to any such act of toleration; because this purity and uniformity is to be preserved to all succeeding generations; and the present generation has no more power to give up what by the Union is thus entailed on their posterity, than the Parliament can give up what is conceded to the said present generation.

By this it seems, the Church of Scotland is so established, that neither can her enemies impose toleration upon her; neither can her treacherous or negligent friends, too many of whom she may have in power, give up her claim to her establishment; neither can she herself abandon her right to, or her possession of her establishment, exclusive of all manner of innovations or invasions on the purity and uniformity of her worship, discipline or government.

This I think is the present state of the question about toleration in Scotland; what gloss the artifice of enemies, and the craft of parties may put upon the attempts now making, of invading the privileges of the Church of Scotland, I have nothing to do with in this treatise; I am sure, if the Representatives of Scotland are faithful and vigilant, she is in no danger; nor can her Church privileges be invaded by a toleration, without destroying the civil as well as ecclesiastical Constitution, upon which Great Britain is at this time established by the Union.

Two things I find fall naturally in our way as objections (in England especially), when we argue against tolerating the English Liturgy in Scotland: First, that this is falling upon the Common Prayer book, and insulting the Church of England; and secondly, that this will be injurious to the toleration which the Dissenters enjoy in England.

It is most certain in strict justice, that though both these were true, it makes nothing to the argument. The question is not of civility to the Church of England, or of prudentials to the Dissenters in England; but of right and justice to the Church of Scotland.—We are here in a right of property capitulated for by the Union, stipulated for and agreed to by the Church of England, that no alteration shall be made; that the purity and uniformity shall be preserved: Either it is preserved, or it is not;—if the Common Prayer be imposed on them, if Episcopacy be tolerated, their worship and government is altered, or it is not.—If it be, then the Union is invaded, or it is not. The questions are short, and need no cavilling; though speaking of the Church of England, and of the Dissenters in England, the Scots may be civil to one, and careful of the other, yet they must not give up their established rights on that score; this were to compliment them at too great an expence. Would the conscientious Episcopal people in Scotland be easy, no body molested them, they enjoyed their liberty unmolested enough, and in a manner which the Dissenters in England for many years would have rejoiced at; but when nothing will satisfy but encroaching upon declared and established rights, the Church of Scotland is then bound to assert her own property, and neither the Church of England or the Dissenters ought to take it ill from them.

But after all, the Church of England have no reason to take it ill, that the Scots do not make use of the Common Prayer, any more than the Scots have to take it ill that the Church of England do not make use of the Presbyterian discipline; they are two national Churches; either of them have their respective kingdom to which they belong, constitution on which they are built, and laws by which they are established; they are perfectly independent one of another, and have no superiority over or subjection to one another; they are confederated by the Union, and the butts and bounds of their respective influence are stated and irreversibly determined; I say, they are but confederated, for it is no more; the
kingdoms

kingdoms are incorporated, but the Churches are but confederated; but the links of this chain are so nicely twisted together, that the confederacy cannot be broken, without destroying the incorporation, and the one is the bond of the other.—It can then be no affront to the Church of England, to have the Scots say, We will have nothing to do with your Common Prayer.—Nor to the Church of Scotland, to have the Church of England say, We will have nothing to do with your Presbyterian discipline. It was the great preliminary of the treaty, that the Churches of either kingdom should have nothing to do with one another; and therefore the treaters on both hands were expressly forbid to meddle with the affair of the Church, whose establishments it was found absolutely necessary should not in the least interfere with one another; nor their respective jurisdictions be suffered to incroach upon, or invade one another. If any have reason therefore, to take ill any thing from the other, the Church of Scotland has the first offence given her, by this attempt to invade her uniformity; only this is to be said for it, that it is the act and deed of a party, not of the Church of England, considered as a Church.

As to the danger to the Dissenters, with respect to the toleration they now enjoy in England, the fears of that seem to be altogether groundless, to any man that rightly understands, either the nature of the toleration in England, or the state of the question concerning toleration in Scotland; in which it is manifest, that the difference is so wide, that no argument can be drawn from the one to the other, either to strengthen or destroy.

The Scots oppose a toleration by a claim of right, stipulated between the two nations; and it is evident, when the act for Security of the Church of Scotland was passed in Scotland, this very matter of toleration was not a little debated, and the Presbyterian opposers of the Union in Scotland were not backward to express their apprehensions of a toleration being brought upon them by the Union. They were answered by the Act of Security, which was supposed, believed, and intended to be effectual against such a thing; and had they not thought it sufficient, but insisted in words at length, That the English Liturgy should not have been tolerated, or at all used in Scotland in public, I may appeal to all the gentlemen concerned, either in Scotland, or here in England, that it would not have been denied: and the author of this is witness to large assurances given to this purpose; but it was thought modest to set it down in less pointed terms, no man doubting but that an article to preserve the uniformity of worship in the Church of Scotland, *without any alteration*, in all succeeding generations, must be supposed to contain a sufficient security against the English Liturgy.

Now it would seem a very gross suggestion, and reproach the Church of England with strange injustice, to alledge that they should discontinue their toleration

leration to Protestant Dissenters in England, because they themselves having consented to the exclusion of Episcopacy in Scotland, the Scots hold them to their bargain.

Besides, the toleration in England, would the Dissenters see their own right to it, has a legal claim, and a capitulation also on which it is founded, and cannot, without manifest injustice, be invaded by the Church of England; but to invade it, because the Scots will not tolerate Episcopacy, which they (the English) consented should not be tolerated, would be a double injustice, and is a reproach to the Church of England, so much as to imagine.

I think this argument needs no further discourse. The Scots do insist upon it, that by the Union they ought not, and by the constitution of their Church, they cannot admit the Common Prayer book to be publicly used in Scotland; and those that offer it to them, know the people there will by no means bear it. I am loath to say that's the chief motive of the attempt.

Several other disputes happened in Scotland after the Union, which cannot be brought into the compass of a Preface, and must be referred to the further histories of those times; as the act for making the trials in cases of high treason the same in both countries; occasioned, as is observed before, by the disputes which happened at the trials of the four gentlemen brought from England on the invasion.

The case of the drawbacks on fish cured with foreign salt, imported between the making the Union and the first of May, which being a debate that can never happen again, is not material; only to observe, that though the intent and meaning of the act of Union, was not for them, nor indeed the equity of the case; for they could not be supposed to draw back what they never paid, yet the letter of the Union being for them, the Parliament voted them their money, which was a testimony of the regard the British Parliament always have, and must always have to the Union. The case in short was this:

By the eighth article of the Union, several allowances are made, as drawbacks upon fish cured in Scotland, and exported again. The reason of this allowance was, because the salt with which they are cured, paying a great duty, that duty ought to be drawn back upon exportation. Now between the ratifying the treaty and the first of May, when it was to take place, a very great quantity of foreign salt (French) was imported, which, by the passing all the goods so imported as before, paid none of the English duties. Now it was alledged, that as the duty did not commence upon the salt, so the drawback ought not to commence, which was the effect of that duty; but the letter of the act being express, Article VIII. That all fish cured with foreign salt shall draw back, &c. the Parliament voted it, and Scotland got about twenty-seven thousand pounds sterling drawback, where they paid little or nothing of duty.

I do not remember any thing material that happened in this interval, more
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than what has been hinted at here; the Parliament of Britain went on to ease the Scots in every thing that came before them, and except the act above-mentioned about treason, I know nothing that passed against the joint opinion of the Scots Members in two Sessions of Parliament, which have sat before the writing these sheets.

I have now only a few things to take notice of here, relating to the performance of the work, which I must make some apology for, and which shall close this Preface.

First, That there are some acts of Parliament, which in the book are referred to, as printed in the Appendix, but are not there; as the Act of Security of Scotland formerly past there; the act in England, intituled, “An Act for preventing dangers arising from the said Act of Security in Scotland;” the several acts of Parliament for naming Commissioners for the treaties; and the act for plantation of kirks, and valuation of teinds. These acts being all public, and to be found in the several volumes of Acts of Parliament of the respective kingdoms, I have omitted in the Appendix, as needless, though referred to in the book; the Appendix also swelling beyond my expectation.

A note also of the difference of the several duties on goods exported and imported before and after the Union, and of the stations of the custom-house cruisers, mentioned fol. 12, of the first Appendix, and referred to N. R. S. T. V. Xxx. of the second Appendix, are omitted, the first as needless, a book of rates of both being afterwards published in Scotland; the second as void by the course of things, the said cruisers having never been built.

In the fifth page of the first Appendix, last par. but one, mention is made of a calculation of the damages done to the revenue, by the importation of French goods into Scotland, between the end of the treaty and the first of May; but I find myself obliged to acknowledge ingenuously, that after many essays to obtain such a computation, that I could never come to any account so exact as I could depend upon, or venture to publish.

The irregularity of the Appendix may deserve some excuse; but the various times in which the several parts were wrote, even some before others were acted, were the true reason of the irregular placing of the pieces; and it is hoped the reader will accept that for a reason.

As to the work itself, I shall say nothing, but leave it to the charity of the world, which in this age indeed runs very low. It has many difficulties in its way, many factions and parties to please, and must be censured by some. I have endeavoured to speak truth, and relate fact impartially in all that is matter of history. As to my own observations, they are but my opinions, and they must abide the fiercest attacks of parties, as the passions and interests of men guide them, and I am perfectly unconcerned at the event.

A
G E N E R A L H I S T O R Y
O F
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I N
B R I T A I N.

IN order to come to a clear understanding in the whole frame of this wonderful transaction, **THE UNION**, it is necessary to let the reader into the very original of it, and inquire where the first springs are to be found, from whence this mighty transaction has been formed.

And though this will of course lead us back a great way into history, yet it will carry this advantage along with it, that we shall see all the several steps which have been taken, how Providence has led the nations, as it were, by the hand, and brought them, by the hints of their mutual disasters, to seek this treaty, as the only harbour the ship of the state could safely come to an anchor in.

Nor is it unworthy observation, especially to those who love to remark the connection of providences in the affairs of this world, and the various turns the island of Britain has had in the compass of a few past years; all which have had a direct tendency to this great event, though perfectly unforeseen, either by the actors or the lookers on in those ages.

The animosities between these two nations would require a great deal of time and art to describe: they are not so remarkable for their antiquity and origin, as for their nature and circumstances.

Never two nations, that had so much affinity in circumstances, have had such inveteracy and aversion to one another in their blood.

They have been both the inhabitants of the richest, the beautifullest, and most populous island in the world. And by frequent mutual invasions made upon them, by the same foreign nations, who have left their race behind them, it is not at all an excursion to say, they are the same in blood, of the same offspring, and became inhabitants the same way.

If it be objected, that the north and north-west parts of Scotland, are Irish, and retain both the surnames, manners, and language of the Irish, or the ancient Scoti, from whence the whole kingdom had its name; it is also answered, so has England in Wales, Cornwall, and Westmoreland, the ancient Britons, who retain their surnames, manners and languages, as distinctly as the Highlanders in the north, or the Irish in the islands of Scotland.

But take the south part of Scotland, on this side the Tay, the inhabitants, though very ancient, must be allowed to be the remains of the Roman colonies, afterwards of the Danes, some Saxons; and among all these, the Picts, who we suppose to have been the ancient inhabitants.

It is true, England is much more mixed in blood; and the reason of this is plain, in that, being a nation powerful in wealth, fruitful in soil, and above all, increasing in commerce, more nations have sought to settle among them, numbers of people have flowed in upon them from all parts of the world, and blending their blood with the most ancient families, have destroyed all that can be called national, as to antiquity, among them, and they do not pretend to it.

Whereas in Scotland, under all the mixtures they have suffered, their ancient families seem to have been preserved, and foreign nations have only seemed to increase their number.

However this be, there is nearness of blood enough, I mean as to originals, to have occasioned some propensity to coalition and mutual neighbourhood between the nations; and one would have thought, some happy accident might have fallen out, some lucid interval, some convenient crisis of circumstances, or juncture of inclination, to have brought them together, made them fast friends, and so have joined their victorious arms, to the terror of their neighbours.

But the rancour has run in the blood; the hatred between the nations has looked like a mere original, a sort of antipathy, hereditary from generation, born with the very nations, and has long threatened us with being too fast rooted there, ever to be removed, but, like a malignant rank leprosy, by pulling up the foundations.

Nor will all the history which I shall trace in the pursuit of this affair illustrate it more than the very story of the Union itself; the strange opposition made to the treaty, and to the Parliament in Scotland, against all manner of reasoning, against nature, against interest; the aversion to it among those very people that
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are now made happy by it ; with what convulsions this evil spirit was cast out ; what struggles it made at parting ; how the poor enslaved people fought against their approaching freedom, insulted the patriots of their liberty, and with inexpressible uneasiness received the blessing of universal peace.—These things, I say, will be lasting testimonies to that original aversion that was planted in the minds of the people, notwithstanding the nearness of their circumstances in other cases.

I shall not go back to the wars here, between the Scots and Picts and the Britons, in the time of the Romans, and how afterwards, in the decline of their empire, the Britons, fatally to them, called in the Saxons to support them against the fury of the Scots ; the famous Picts wall, built in the time of the Romans, the remains whereof are visible to this day, are sad tokens of the ancient quarrels, wars and devastations that were carried on between the two kingdoms, even beyond our accounts of time.

Nor does it appear to me, that there was in all those times any propensity between the nations to such a thing as peace, no not for many ages after those times ; but if either side found it convenient to treat, even those treaties were carried on with a kind of a professed resolution of renewed war on the first occasion ; and I think history gives us no account of any firm resolved peace ever made among them, but only short truces of peace for a term of years, very often for one year, two or three ; at the end of which, the war was supposed to break out again of course. .

Nor were these wars carried on like the wars between other nations, with policy, temper, and points of honour ; but all that could be expected, when two terrible and warlike nations, provoked to all possible extremes, shall meet, have been to be found here.—These unhappy wars have therefore been all devastation and blood, the invasions on either side have always been fire and death, the land laid waste with burnings and plunder ; and then the armies fighting with fury and desperation : no nations that ever fought, since what we are told of in the old Eastern and Roman empires, have killed so many in fight : and if I should enter into proportions of land and people, I need not make exceptions for them either ; sixty thousand, thirty thousand, twenty and fifteen thousand slain of a side, have been the frequent numbers, of which history gives account in the wars between these two miserable nations ; and that not seldom, but very often, and some very lately.

I forbear to enter into a farther description of the ancient feuds of these nations, as what is but a melancholy retrospect, to any that have but common compassion for their country ; this may serve to illustrate the present subject, and make the peace we now enjoy the more valuable to posterity.

The first entrance I shall make on the matter of coalition seems to begin with Edward the First, King of England; and this, as it was on a wrong foot, so its continuance was accordingly. That victorious monarch possessed the whole island of Britain; for he pierced Scotland to the Orcades, and traversed all the mountains of Wales, subdued all the petty princes of the Britons, and had projected to call himself King of Britain.

But Providence had better things in store for this island; his projected empire, founded on conquest, ended ere it began; all his victories were unravelled in his effeminate, luxuriant son; and he that had torn the crown from his neighbours, had in his posterity his own crown laid at the foot of justice, and taken from the head of a thoughtless young tyrant his son, whose life was made to pay for the oppressions of his own subjects.

It was in this King's reign the first project of uniting the two kingdoms was laid, and though it proved abortive in its most early execution, yet it is very useful to the present purpose, and to the reader's information, to give the world a scheme of this designed Union, and to let those gentlemen, who have opposed it now as a novelty, know, that it was the opinion of both the nations in all ages, (for this was in 1286) that an Union would be for the general good of the whole. See English Buchan. Fol. 245.

It is true, we find one of the Kings of Scotland, viz. Robert Bruce, who was really one of the greatest Kings Scotland ever had, among the instructions left for the conduct of his successor, leaving this stated rule, viz. Never to make a perpetual amity with the English. Buchan. lib. 8. fol. 86.

But the reasons given for it will not at all be brought in prejudice of an Union or incorporation of the two nations; for as to long recesses, which that prince argued to prove, that the Scots by disuse would be rendered unfit for arms, and so be the more easily worsted by the English, who by foreign wars were always kept active and vigorous, and by that means were likely to have advantages of them; that can be no argument, the nations now having no more occasion for that emulation.

Nor does it seem to me but the same principle of care for his native country, which led King Robert to be so thoughtful for time to come, could he have seen what these ages have been brought to know, would, by the same reasoning, have led him vigorously to have pursued a conjunction of the two kingdoms into one incorporated body, if he had seen the least prospect of such an attempt being feasible: and I believe this, not from the nature of the thing only, and its correspondence with his general interest, but from the observation, that in his successors' times, when the first proper season seemed to offer, it was not thought of only, but pursued with all possible diligence, as shall appear in its proper place.

But

But to go back to the state of the wars in his reign, and a little before.

Whoever will give himself leave to read the history of the wars at that time, will wonder how Scotland was able to struggle with such terrible losses, and may reckon up above 200,000 Scotsmen slain in fight, only against King Edward the First, besides all the other havock which five several invasions of a conquering enemy must be attended with.

And yet with what vigour they shook off the yoke, how they were to his death, I mean King Edward the First, preparing new armies, and in the space of but two years after it, ventured a battle with his son Edward the Second, at the head of 100,000 Englishmen, at Bannockburn, and beat him out of the field, with the greatest slaughter that ever was made in Britain since the fight between William the Conqueror and King Harold, there being, as some historians say, 60,000 men slain on the English side.

Thus ended the Union of Conquest between the nations; Scotland recovered her liberty, and England paid very dear for the experiment.

But this is not the reason why I begin at this period; but as the first sense of the blessings of Union began to touch the people of this age, it cannot but be acknowledged the great, and indeed the only point of time, to take the rise of this voluminous story from.

Alexander the Third, King of Scotland, was one of the greatest instances of the vicissitudes and precarious condition of a royal state in the world; in the space of about three years, he had two wives and a flourishing offspring, was left first a widower, then childless, and at last lifeless, and the Crown of Scotland in a manner hopeless.

Henry the Third, King of England, dying, King Alexander and his Queen takes a journey to England, in compliment to King Edward the First, and to be present at his coronation. I shall avoid disputing here any thing of the so-much-controverted article of homage; let it be how it will, it is not to the present purpose; to me it seems not at all the business of that journey; if it had, there had been no need of the Queen's going too; nor do I read of any thing but a visit of compliment, or a journey of curiosity to see the pomp and grandeur of the English court, which was then very great.

In this journey, fatal to the family, as well as to Scotland, the Queen sickened, and soon after died; she was followed in a few months by both her sons, David and Alexander, the latter being but just married to the daughter of Baldwin, Earl of Flanders.

Nor was this all (disasters seldom come alone): Margaret, the King's only daughter, married to the King of Norway, died the same year, leaving one daughter only, named also Margaret; of whom presently.

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The King, surpris'd at this general shock of mortality upon his family, finding himself childless, and unmarried, but being in his prime of age and strength, resolves upon marriage, to restore his family; and accordingly he marries Joletta, daughter of the Earl of Dreux, in Normandy.

But Heaven had yet farther judgments for Scotland; for before any children were born of this marriage, the King himself fell from his horse, and his kingdom both at once, for he broke his neck in the fall, at or near Kinghorn, a little town in Fife, on the north side of the Firth, over against Edinburgh.

The only heir to the crown was now Margaret, daughter of Hanganus, King of Norway, by Margaret aforesaid, the only daughter of Alexander the Third, King of Scotland.

And here is the first demonstration of what I shall all along insist on in this history, viz. That never any rational prospect of uniting these kingdoms appeared in the world, but both the nations unanimously agreed, that Union was for the mutual advantage of both, and that it never was opposed by either nation, as a nation, but only as private interest, strength of parties, court intrigues, and the enemies of both the nations, have prevailed to prevent their happiness.

Alexander died in the year 1285, without issue,—Vid. Buchan. *De Rerum Scoticarum*, lib. 7. fol. 71. Edward the First, King of England, a powerful and politic Prince, saw himself in a condition to manage Scotland by force, as afterwards too sadly appeared; but a better prospect at that time being in view, he falls immediately upon a scheme, which, if Providence had permitted it to have taken effect, would have secured the peace of these kingdoms from that time, and prevented the terrible effusion of blood, which happened that very same age, as well as for many ages since, between both kingdoms.

And this project was UNION; the King had one son Edward, heir to the crown of England, who afterwards proved the most unfortunate Prince that ever reigned in England.

The crown of Scotland had but one heir, viz. Margaret of Norway, grandchild to Alexander the Third, by Margaret his daughter, married to the King of Norway. It presently occurs to the King and his council, that a marriage between Edward his son, and this young lady Margaret, then commonly called The Maid of Norway, would necessarily devolve both the crowns upon his posterity, and immediately establish the peace of both kingdoms.

Nor was the relation very remote, for Margaret was, as above said, the daughter of Margaret, only daughter of King Alexander, by King Edward's own sister; and therefore the dispensations from the Pope were then thought necessary to be obtained, as will appear presently.

Upon the death of King Alexander, says Buchanan, in the eighth book of his

his history, a Convention of the Estates was held at Scone, to treat about creating a new King. These are Buchanan's words; "*Alexandro cum tota stirpe*" (*præter unam ex filia neptem*) *extincto, conventus ordinum Sconam indicitur, in quo de novo Rege creando et statu regni interim componendo ageretur.*" Buch. lib. 8. fol. 72.

I confess, considering the character and authority of Buchanan, I much wonder how he could say, they met about creating a new King, when in the same paragraph, he says, "the whole lineage of Alexander, except one grandchild by his daughter, being extinct:" Now if one grandchild was in being, the convention of estates could not be met to create a new King.

Nor does it appear that their business was to create a new King, but to settle the government of the kingdom in such hands, as might secure the public peace, during the absence of their young Queen, and till she could arrive from Norway: And that this was their business, is also evident from Buchanan's own relation, in the same chapter quoted above, where he says, that when most of the nobility were come to the said Convention, in the first place, they appointed Vicegerents to govern matters, "*eo cum frequens nobilitas venisset, primum omnium sex creant, qui summæ rerum præessent,*" Buch. lib. 8. fol. 72. for the present, that is, till their Queen should arrive.

To this assembly Edward the First, King of England, sends his Ambassadors to treat with them, to desire their Queen, says Buchanan, as a wife to his son.

The historical part of this affair is not so significant to the present purpose, as the substance and intention, the opinion and notion the Nobility, Princes and People of both nations had of the thing they were then doing, in which it will appear,

1. That an intire incorporation of countries, a coalition of interests and affection, as well as commerce and constitution, was designed, even at that distance of time, as the only means to settle the peace and happiness of both nations.

2. That it was the best juncture that ever had happened, or could happen, for such a coalition, and nothing but the immediate hand of Providence, who reserved it for a more happy time, and for more happy instruments to finish, could have prevented it.

And therefore Buchanan says of it,—"*hi cum in conventu publico multa de utilitate publica, quæ hoc matrimonium esset secutura, disseruissent, Scotorum animos ab ea affinitate non alienos invenerunt. Erat enim Edwardus vir magni animi, magnæque potentiæ: majoris etiam cupidus: ejusque virtus, patre vivo, in bello sacro, & mortuo, in subigenda vallia, enituerat. Neque Scotorum nomen unquam anglo conjunctius fuisse,*

“*meminerant; quam sub postremis regibus, nec odia retusta, unquam com-
modius aboleri posse videbantur, quam si uterque populus honestis & æquis
conditionibus, in unum coiret.*” *Buch. de Rer. Scot. lib. 8. fol. 72.* Which
his homely translator has Englished thus :

“ The Ambassadors in this session discoursed much of the public utility like
to accrue to both kingdoms by this marriage, neither did they find the Scots
averse therefrom, for Edward was a man of great courage and power, yet he
desired to increase it; and his valour highly appeared in the holy war, in his
father’s lifetime, and after his death in his subduing of Wales; neither were
there ever more endearments passed between the Scots and the English than
under the last Kings; yea the ancient hatred seemed no way more likely to
be abolished, than if both nations on just and equal terms might be united
into one.”

Here is the very substance of the Queen’s late letter to the Parliament of
Scotland, about the Union now made; only here, the people unhappily seemed
blind to their own happiness, and so long ago they were able to see it their
mutual interest.

The Ambassadors discoursed with the Nobility, in the Convention, about the
public utility like to accrue to both kingdoms.

What is this but mutual stipulations, regulations, and in short, a treaty
between them how to make an Union between the nations, such as might be
for the public advantage of both kingdoms?

And this was done with general endearments between the kingdoms, mutual
civilities passed between the gentlemen concerned on both sides, for the good
of both; we read of no jealousies, no prejudices, no radicated antipathies, but
the public good convinced both sides, that nothing could contribute more to
the rooting out and abolishing the ancient hatred, than to have both nations, on
just and equal terms, united into one.

Nor is it remote to this purpose to enter a little into the articles of this
Union; for though history is very silent in this matter, yet, as I have promised
to search every thing in this history to the bottom, I find among the records
in the Tower of London, an ancient instrument or form of this Union or
confederacy, which in the Appendix to this work you will have printed at
large, and is numbered 1.

And first, to let the world be satisfied, that, even in so remote a time, things
of this nature were transacted with the same due caution and regard to the
liberties and good of the people, as they are now, and that it was a national,
not a private act, not an act of a few, over-awed by the power of King Edward,
though several steps taken in it will be very necessary to be noted, for I take this

to be the most exact pattern of the present treaty of any that has ever gone before it; as it was a treaty seriously set about by both nations, with a real design for the general utility, and with a design on both sides to bring it to pass; which is more than can be said of all the treaties which have been set on foot since.

The first step the King took, after his sending Ambassadors to treat with the Convention, seems to me to be the obtaining a dispensation from the Pope; the Queen and the young Prince being nearly allied; and such was the subjection of the princes of the world to the Roman tyranny, that nothing could go on of this nature, without the sanction of the Church, where, by the way may be observed;

That the Pope, as in all ages popes have done, made his advantage of the occasion, and takes this opportunity to demand of the King an old arrear of an annual pension of 1000 merks, granted by King John to the holy see, and which King Edward had left five years unpaid.

The King, who knew well enough the influence ready money had in such cases, readily answers the Pope's demands, and issued his writ for payment of the money.

The true copy of the original warrant to the Treasurer is added in the Appendix to this work, which being very short, I thought not improper to insert there, as a thing the curious may be very well pleased to read, and is marked No. 8.

It is to be noted, the end of King Edward, in payment of this money, was plainly to get the dispensation expedited; for he never paid any more that I read of, nor his successors either; I mean on account of that old pension or grant of King John's.

His Holiness was so exceedingly obliged by this payment of 5000 merks, that he immediately dispatched the dispensation for the marriage of Prince Edward with the heiress of the crown of Scotland, though within the prohibited degrees of consanguinity; which dispensation is enrolled in the patent roll of 17 Ed. First, and may be found in the Appendix to this work, No. 2.

The next step the King takes is, to send Ambassadors and letters to the King of Norway, giving his proxy to the Bishop of Durham, one of the said Ambassadors, to espouse the lady in the name of his son Edward, wherein the dispensation obtained from the Pope, is repeated: this letter and proxy is added in the Appendix, No. 3.

At the same time he sends letters to the keepers or guardians of the realm of Scotland, and to the King of Norway, in answer to letters received from them, containing all the articles and agreements on which it was that he proposed this marriage, which were published by the King, for the satisfaction of the subjects of both nations; in which you will find all possible care taken of the general good, and sincere protestations, that the end of this marriage was, as is expressed

in one of the letters, *ad honorem Dei & tranquillitatem totius communitatis ejusdem regni.*

These testimonials are too significant not to deserve a place in this History, and therefore are placed in their order in the Collection, and numbered 4, 5, 6, 7.

Nor was this all; but I find a large charter or grant, made by the agreement of special Commissioners on both sides, and ratified by the King himself, to the kingdom of Scotland.

In short, it is a mere Treaty of Union between the kingdoms, though not much collateral, but rather particularly to Scotland; this has the great seal affixed to it, and the King took an oath to observe it, under the penalty of one hundred thousand pounds sterling (an immense sum in those days) to be paid to the church of Rome, towards carrying on the wars in the holy land, and on the farther penalty of excommunication, and subjecting his whole kingdom to an interdict; things very terrible in those days.

This instrument also is at large found among the records in the Tower of London, and is re-printed in Prynne's Collection, fol. 395, 396, 397. and added in the Appendix or Collection to this work, No. 9.

Another instrument is also recorded in old French, wherein the security to Scotland, for surrendering her forts and strengths to the English on this marriage, is settled, and which you will find in the Collection also, No. 10.

Thus the affair of an Union was finished above four hundred and twenty years ago; and these nations had flourished under its consequences no doubt;—but Heaven frowned on so great a work, and the sins of both nations permitted not that blessing to come in their day; for the lady died in her voyage from Norway to Scotland, having a rough passage, and being not able to bear the fatigues of the sea; and thus all this fair fabrick came to nothing, but was dashed in a moment, to the inexpressible loss and regret of both the nations.

Buchanan says, she died in Norway, before the Commissioners arrived; but our English historians, and Mr. Tyrrel in particular, whom in this I follow, lib. 9. vol. 3. fol. 6. says positively, she died in her voyage between Norway and Scotland.

I cannot omit to remind the reader of these sheets, what were the dismal consequences of this disappointment to both these kingdoms; and as it was nothing but the immediate hand of Providence that brought it to pass, so it may, without any charge of enthusiasm, or over-straining the case, be allowed to be one of the severest judgments that ever Heaven inflicted on this island.

And I insist on this, not so much as it relates to the present history, but as it may be needful for such people to reflect upon, who have, at the same time that they pretended to be lovers of their country, yet vigorously opposed the uniting these nations in this last treaty.

The

The breaking of the happy prospect of Union between the two kingdoms was attended with strange confusions, all which serve to enhance the value of their present united state; the hopes of a prosperous peace were not greater on one hand, than the prospect of dismal confusions was horrid on the other; and though it be a digression, I shall venture the trespass to give a short abridgment of the history of those times, as in the course of these sheets it shall be needful to form a due connection; and I promise myself, the diversion will be as pleasant as profitable, and that nobody will think it lost labour to read over, what in those ages was transacted on the stage of their native country.

With the death of this Princess, all the thoughts of Union between the kingdoms died also, each party began to examine their separate interests, not consulting what was fit to be done for the carrying on their national and general advantages.

The business of Scotland was, how to settle the crown, and who to declare King, the Conservators or Keepers of the kingdom, appointed by the Convention of the Estates assembled at Scone, were, according to Buchanan, Duncan Macduff Earl of Fife, John Cumin Earl of Buchan, William Frazer Archbishop of St. Andrews, Robert Bishop of Glasgow, another John Cumin and one John Steuart.

The principal pretenders to the crown were, John Baliol and Robert Bruce; their descent, and the foundation of their claim, is at large to be found in Buchanan's History, lib. 8. their titles were remote, and not only pretty equally founded, but their interest among the nobility was so equal, and either way so powerful, that nothing but an immediate and bloody war was apprehended, as the consequence of their pretensions.

The King of England, disappointed in his hopes of bringing the kingdoms to a lasting peace, by uniting them into one, as before, applied himself no more to consult their general good.

But considering them in their separate capacity, as two nations that could not long agree, made it his whole study, either first to subject Scotland to England, so as that making her dependent on England, she should not be able to break with him; or so to divide the Scots among themselves, as that they should be in no condition to hurt him.

Both his ends seemed easy to answer in the occasion that now offered itself; for the Scots nobility being, as I have noted, so equally divided in the interests of Baliol and Bruce, that they knew not what course to take, they resolved, in order to avoid the confusions of a war, and consequently the ruin of their country, to refer it to the arbitrement of the King of England.

This was a full testimony of the harmony and good understanding which was

then between the nations ; and what a happy juncture it had been for an Union, if Heaven had thought fit to bleſs the deſign with ſucceſs, any body may obſerve ; for the King of England was looked upon as ſuch a diſintereſted friend to Scotland, and one that would willingly concern himſelf for their good, that they leave the determination of the weightieſt thing in the world, to their nation, wholly to his ſentence.

But I cannot ſay the King acted with equal candour to the Scots, if what the hiſtories of thoſe times ſay may be depended upon ; for being a politic Prince, and having a long view of the effects of things before him, he reſolved to keep his eye upon the two particulars noted above, in his determining this affair, and rather to regard his own intereſt than the good of Scotland, or than the juſtice of the claim : he reſolved to ſound the inclinations of the two candidates for the crown, and ſo to give the kingdom to him that would conform himſelf moſt to his meaſures.

Upon this, he treats firſt with the nobility, and appoints a meeting at Berwick ; then he exacts an oath of the competitors, to ſtand intirely to, and be determined by his award ; then he orders a ſelect number out of the nobility of each nation, as a council in this caſe, twelve of a ſide (Mr. Tyrrel ſays, forty of a ſide) ; and exacts an oath of them, to adviſe, judge, and determine rightly and truly according to their conſciences.

Theſe were the politic appearances of his management, the better to cover his true deſign ; for all this while he cauſes the two competitors to be ſounded underhand, to find out which was moſt likely to comply with his demands.

At laſt the public debates beginning to draw near a period, it was eaſy to ſee that Baliol's title was like to be approved by the twenty-four, as the beſt claim, and that Bruce would loſe it ; this the King thought was the juncture to put it home in, and therefore cauſes it to be propoſed to Bruce, that though it was plain he would loſe the crown, yet if he would ſubject himſelf and the crown to the authority of the King of England, he ſhould be immediately declared.

All men muſt allow it was politically managed ; but all the craft of Hell is loſt upon an honeſt man : Bruce, like a man of honour, rejects the propoſal with contempt, and told them that propoſed it, That he ſcorned to enjoy the crown at the price of his country's bondage.

Baliol, whoſe principle was worſe, though his title was better, accepts the baſe conditions, and obtains the crown, ſwears fealty to the King of England, and makes all the nobility that were in his intereſt do the ſame.

All our hiſtorians do not agree in this account, and Mr. Tyrrel, who is very particular in relating the proceedings, vol. 3. lib. 9. fol. 70, 71, 72, takes no notice of this ; but others, and particularly Buchanan, being very poſitive,
lib.

lib. 8. fol. 24. I put it down as fact, giving my author's authority for it, and leave the reader to believe as much as he thinks fit of the fact, the subject I am upon not depending upon it at all.

But he that basely yields to a dishonest yoke, in order to gratify his ambition, is much more likely to break the conditions he makes, than he that adheres to honourable articles, and insists on what justice gives him a claim to, and thus it was here; for on the first affront offered to Baliol by the English, in consequence of his subjection, he threw off the yoke, and renounced that subjection. The case in short was as follows:

Macduff Earl of Fife, being injured, as he conceives, in a suit depending between him and the Abernethians, for the murder of his elder brother, the King having determined in favour of the murderers, appeals to the King of England against Baliol. When the cause came to be heard, John Baliol was then at the English court, and being present when he was called to answer, offers to plead by a proxy, or as we say, to be heard by his counsel; but was refused, and obliged to come down, and stand at the bar like a criminal, and plead for himself.

This broke off all his subjection, fills him with indignation; and from this time he studies nothing but revenge. An opportunity soon offered to his mind; for a war breaking out between the English and the French, and both soliciting Scotland for aid, the Estates of Scotland determine, though in an ill hour for Scotland, to assist the French.

Thus all the good temper of both nations one towards another vanished at once, and the most bloody wars that ever this island felt, happened between them.

Baliol, by a solemn embassy, renounces his submission to England, as extorted by unjust methods, and his friendship also;—and Edward, in return, furiously invades Scotland both by sea and land.

'Tis not at all my design, nor to my purpose, to enter here into the history of these wars, or the battles, ravages, fire and blood, which the two nations felt during the whole reign of the three Edwards of England, with but small intermissions; the particulars whereof would of themselves make a large volume.—The true reason of my mentioning these things, will appear in my further prosecuting this story: The short use of it is this, that these two unhappy nations were always in extremes with one another; nothing but the closest Union, or the most destructive war, can be the state they must live in together; and this I shall but too often make evident in these sheets.

From this breach, the war between the nations came to a strange height, Edward proved victorious over the Scots, and the consequences of that are easy to guess, Baliol was crushed, his armies overthrown, and the country pierced even to the extremest part by the English.

Edward

Edward calls Bruce to his side ;—Baliol is taken prisoner and surrenders the kingdom ;—then the famous Wallace gets up, and carries on the war on the subject of mere national liberty,—overthrows the English in several encounters, and is made Regent : But is again overthrown by Edward and Bruce at the great battle of Falkirk ; and Scotland then intirely submits to Edward, whose tyrannical government makes the very Scots, who had taken part with him against Baliol, conspire together to recover their liberty ; and one Cuming leaguings with Robert Bruce, son to that Bruce who was to have been King ; these, though enemies before, join together to free their country. But Cuming designing to betray Bruce, is killed by him with his own hands in the very church at Dumfries.

How Bruce after this recovered the kingdom from that subjection to the English ; how he was often overthrown by Edward, and several times reduced to hide himself in the mountains, and most secret places of the kingdom, and sometimes so long, that he was supposed to be dead ;—how yet at last by innumerable attempts, unwearied pains, and invincible courage, he retrieved his fortune, drove the English out of his country, overthrew them with a terrible slaughter at Bannockburn near Stirling, and after a reign of twenty-four years, full of continual war, against the most powerful princes England had in these ages of the world, he died in peace, his country being recovered out of their hands ;—these things would be too long a story here to relate.

In this war, by the best calculations I can make, of armies raised, and battles fought, no less than six hundred thousand people of both nations perished, and all for want of that happy Union, so near perfected, and so disastrously lost. A good looking-glass for those gentlemen (who have openly wished these nations might make a breach either on one side or another) to look into, and for them to see, if their designs had succeeded, what their posterity might have had cause to thank them for.

If it be objected, that it does not follow, that on a breach of this last treaty of Union, a war must necessarily have happened, I shall take the liberty to enter upon that head by itself, and believe these sheets will prove, that a war must have been the inevitable consequence of breaking up this last treaty ; especially if broken up according to the project of those people that appeared to oppose it, who, we all know, acted on principles, both as to trade, civil government, and succession, incompatible with the interest of both the present establishments, and as much as can be said perfectly impracticable, as the kingdoms were thus constituted : but of this more hereafter.

From this time, we meet with no overtures of settled tranquillity between the kingdoms, till the days of Henry Seventh of England, whose daughter Margaret was married to James the Fourth, King of Scotland ;—and though this marriage

marriage was the mother of Union (as I may term it), and laid the foundation of almost all the projects that have happened since, and from whence at last the crown of England devolved upon the royal line of Scotland, yet in his time there were no immediate steps taken towards it. The utmost effect of this marriage was an immediate peace between the nations, which, however, did not last long, for King James falling in with the French interest, fell out with his father-in-law, King Henry the Seventh, and after with his brother, King Henry the Eighth, and lost his life in that war.

The first attempt subsequent to this, was a proposal of Henry the Eighth, who, after this great quarrel was ended, though he was victor, offered to match his daughter Mary (Prince Edward, afterwards King Edward the Sixth, being then not born) to James the Fifth King of Scotland, and to secure the possession of the crown after himself to them jointly; and the design of this match, it was evident, could be nothing else, but a firm, lasting, and established peace between the two nations; for having himself no sons, and expecting none, (for the business of the divorce of his wife Queen Katherine was not then come into his head) he foresaw this was the only step to unite the nations, and put an end to these bloody contentions, that for so many ages had been between them; for that the heirs of that match would by consequence be possessed of both, and so the whole island would become one happy and most powerful people, united in interest, in government, and in every thing that would make them great.

This proposal was so rational, and so visibly tending to the general advantage of both kingdoms, that it could not be supposed to meet with any opposition from such as were in the least concerned for the good of their native country on either hand.

On the English side it met with an immediate good reception, for King Henry the Eighth, contrary to the general conduct of that Prince, whose temper was (generally speaking) bloody, fierce, haughty, and too apt to insult such as fell into his hands; yet here, changing his temper, he caused the Scots prisoners, taken at the late battle, to be very well treated, and committed to the several keepings of the English nobility, who used them honourably, and according to their quality.

I know it is said, that the King, who had this project first in his head, distributed the Scots noblemen in the houses of the English Lords, that these might, according to his private instructions, deal with them apart, and strive, by promises, and such like arguments, to bring them to hearken to such a proposal, and to begin the treaty; and that the said Scots noblemen were, by this artifice, prompted and brought to make the first offer of this marriage, as from Scotland.

But let this be as it will, let the honour of the proposal lie where it will, it is manifest,

manifest, both parties were well pleased with it, and looked upon it as the best method to bring both nations to a state of prosperous and durable peace. But Satan hindered.

It was evident that both kingdoms had a fixed inclination, at that time, for the Union : Henry shewed his good will in that he offered to heap up unusual honours upon the King of Scotland, upon the first project of the match, as upon his undoubted successor to the crown ; such as making him a Peer of Britain, by the royal title of Duke of York, a title vested in the crown, and since the father of Edward the Fourth, reckoned the next step to the throne ; But this was not all, he offered to declare him Lord Lieutenant, or Deputy Governor of England, immediately upon the match ; this was to put the government, as it were, in his actual possession, and make him King by the consequence of the thing. There is no doubt, but, had this match succeeded, there would have been mutual stipulations of a complete coalition entered into by the respective Parliaments of both kingdoms.

But French and popish counsels prevented this happy conjunction, as they have several others since, and would have done the last ; for the clergy of Scotland finding Henry the Eighth of England had crushed the power of the clergy in England, and was suppressing the abbeyes and monasteries, curbing the extended authority of the Pope, and, as they apprehended, destroying their church, they set themselves by all possible artifice to prevent this proposal taking effect ; and getting the French King to join his interest with theirs, they wrought the King of Scotland to such a dislike of the match, that he rejected King Henry's proposal with some indecencies, and refused him an interview at York, though he had given his word to meet him there. This King Henry so repented, that a war immediately followed (as upon a defeat of an Union has generally happened), in which war, the Scots nobility were so sensible of the wrong measures of their Prince, and the advantages to their country, which he had rashly rejected, that they followed him very unwillingly, and at last wholly abandoned him at Solan-Moss, declaring, they thought it was not their duty to ruin their country, to gratify the passion of their deluded Monarch, and the blinded fury of the clergy : This cost king James his life, who died of grief, as Buchanan relates, *Rerum Scoticarum*, lib. 7. fol. 76.

It is true, had this match gone forward, it had not had the desired effect, at least not immediately, because King Henry the Eighth afterwards had a son born, who succeeded to the crown, viz. Edward the Sixth ; but this is not to the present case, the design was the same, nor did it die with the respective Kings. Nay, after the birth of the young Prince, King Henry VIII. made a second proposal of an Union, viz. Of a match between his son Edward, and the daughter of

the

the late King of Scots; and this went so far, as to be approved in the Parliament of Scotland, as may be seen in the registers of that time; but this was again interrupted, as the former had been, by the death of King Henry the Eighth, who left the crown to his son Edward the Sixth.

In this reign the project of uniting the kingdoms revived immediately; for the English council saw clearly the advantages accruing to both nations by an Union, and could not slip that happy juncture: Their King was a child not above nine years of age; the Queen of Scotland was the like, left by her father at five days old, and crowned in her cradle. The Regency of Scotland, and the Council of Governors of the young King, revive the treaty, and propose a match between the King of England and the Queen of Scotland; and built it upon the late agreement made between King Henry and the Parliament of Scotland.

But the French and Popish party, who, as I have noted already, opposed uniting the kingdoms before, on the pretence of the danger of the Roman church, had now much more reason to do so; since King Edward had declared himself, as they esteemed it, an heretick, and disowned the Pope, and had erected a Protestant church on the ruin of the Romish; and on these arguments they rejected the proposal, and broke their former agreement.

And here happened, what I have all along observed to be the consequence of breaking up a treaty between the two nations, viz. a bloody war, like as certainly must have happened again, had not this last happy treaty intervened, of which I am to discourse in these sheets.

It is not my business to enter upon the particulars of the war on this occasion; but two things it will be necessary to observe, 1st, That this war issued in the defeat of the Scots Popish army at the battle of Pinkie; after which it was expected the young Queen should have been delivered to the English, and married to their King; and truly, if the frank and generous offer of the conquerors had been in the least regarded, it had been so, who after the victory made no spoil or havock in Scotland, but, as friends, made a fair demand of their (the Scots) Queen to be married to their (the English) King, that so the nations, being united, might for ever remain one; and this is to be seen in that famous declaration of the Duke of Somerset, the English General, which, as it is in a style peculiar, and not usual in the world among conquerors, I could not omit, and is in the Appendix, No. 11.

1st. It was in vain to talk reason to a people resolved; the Popish party, who saw evidently the ruin of their church; and the French, who saw the destruction of their ancient league wrapt up in the projected Union of the kingdoms, frustrated all the design, by conveying the young Princess into France; and so this scheme came also to nothing.

This had several bad effects, which Scotland afterwards regretted; first,

that it delayed the reformation in Scotland for near near thirty years after that in England, and made it both difficult, bloody, tedious, and for a long time imperfect; of which I have treated elsewhere. Secondly, it brought her under a French yoke, and for a long time she groaned under the tyranny of French influence, till the nation threw off tyranny and popery together, and reformation came on hand in hand with liberty.

And now the notion of Union between the two kingdoms began to wear out, as a thing, that, though both nations had inclination enough to engage in, yet there was no juncture to make it feasible, till the death of Queen Elizabeth, who dying without issue, the English crown devolved upon the Scots line; and this produced a kind of Union, I mean an Union of the crowns, but not an Union of the kingdoms; of the imperfection, deficiency and inconveniency of which to both kingdoms, I shall make some brief observations, as they have been the motives to the frequent attempts for a more near conjunction in the succeeding times.

The inconveniences to Scotland in this partial Union were, first, their removing their court to England, their King, according to the prophetic saying of Henry the Seventh, removing his seat of government from the less to the greater: This was naturally attended with the decay of trade in Scotland, by removing the concurrence of strangers from Scotland, whose consumption of provisions and manufactures, which are the foundation of commerce, was a great loss to trade;—with the exporting their ready money out of the kingdom, by the constant attendance of their gentry and nobility at the English court, where they spent their estates, and sucked out the blood of their country, to support their luxury and magnificence;—with the continued emptying their nation of their people, who all flocked to England, either for public or private employment, and depopulated, as well as impoverished, their native country;—but above all, the bringing Scotland under English influence, both as to civil and religious government, was a manifest token of the deficiency of this partial Union; for Scotland was after this, in a political though not in a legal sense, always under the management of the English court; it had the subjection without the advantages; her seamen were pressed into the English service as subjects, yet, at the same time, excluded the merchants service as foreigners; an English ship sailed with above one third Scotsmen would be seized, as not being sailed by Englishmen; and the colonies of England were at last all barred from them, as much as from the French or Dutch. It would be too long a digression, to recite here the various inconveniences Scotland laboured under, from the deficiency of this partial, or merely regal Union, and which made all the well-wishers to Scotland desire, either that there were a more intimate Union, or that there were no Union at all.

Nor

Nor was this unforeseen by either nation; and therefore, no sooner was King James the Sixth of Scotland come to the crown of England, but he began (before he had learned quite to forget his own country) to project a more near Union of the nations, as the only way to make them both completely happy; this was in the year 1604, when, after several projects of uniting by his own absolute authority, a thing then newly taken up in the world, finding all other methods fail, he proposed it to the Parliament of England, that, to use his own words, as they were made one in the head, they might be inseparably conjoined, and all memory of past divisions be extinguished; at the same time he proposed it in Scotland; and both nations were so sensible of the mutual advantages of Union, that they readily agreed to it, and Commissioners were appointed on both sides to treat. The names of the Commissioners were as follows:

For Scotland:—John Earl of Montrose, Lord Chancellor of Scotland; Francis Earl of Errol, High Constable of Scotland; George Earl Marshal, Great Marshall of Scotland; James Earl of Glencairn, Alexander Earl of Linlithgow; John Archbishop of Glasgow, David Bishop of Ross, George Bishop of Caithness, Walter Prior of Blantyre; Patrick Lord Glames, Alexander Lord Elphinstone, Alexander Lord Fyvie, President of the Council of Scotland; Robert Lord Roxburgh, James Lord Abercorne, James Lord Balmirinoch, principal Secretary of Scotland; David Lord Scoone; Sir James Scrymgeour of Dudop Knt. Sir John Cockburne of Ormestoun, Knt. Sir John Home of Coldingknows, Knt. Sir David Carnegie of Kinard, Knt. Sir Robert Melvill, elder, of Murdocarnie, Knt. Sir Thomas Hamilton of Binnie, Knt. Sir John Leirmonth of Balcomie, Knt. Sir Alexander Straton of Lawreston, Kt. Sir John Skene of Currihill, Knt. John Sharp of Houston, Lawyer; Mr. Thomas Craig, Lawyer; Henry Neisbit, George Bruce, Alexander Rutherford, Mr. Alexander Wedderburn, Merchants.

For England:—Thomas Lord Ellesmere, Lord Chancellor of England; Thomas Earl of Dorset, Lord Treasurer of England; Charles Earl of Nottingham, Lord High Admiral of England; Henry Earl of Southampton, William Earl of Pembroke, Henry Earl of Northampton, Richard Bishop of London, Toby Bishop of Duresme, Anthony Bishop of St. Davids; Robert Lord Cecil, principal Secretary to His Majesty; Edward Lord Zouch, Lord President of Wales; William Lord Monteagle, Ralph Lord Eure, Edmund Lord Sheffield, Lord President of the Council in the North; Lords of the Higher House of this present Parliament. And Thomas Lord Clinton, Robert Lord Buckhurst, Sir Francis Hastings, Knt. Sir John Stanhope, Knt. Vice-Chamberlain to the King's Majesty; Sir John Herbert, Knt. second Secretary to his Majesty; Sir George Carew Knt. Vice-Chamberlain to the Queen's Majesty; Sir Thomas Strickland, Knt. Sir Edward Stafford, Knt. Sir Henry Nevil of Berkshire, Knt. Sir Richard Bulkley, Knt. Sir Henry Billingley,

Knt. Sir Daniel Dun, Knt. Dean of the Arches; Sir Edward Hobby, Knt. Sir John Savile, Knt. Sir Robert Wroth, Knt. Sir Thomas Chaloner, Knt. Sir Robert Maunfel, Knt. Sir Thomas Ridgeway, Knt. Sir Thomas Holcroft, Knt. Sir Thomas Hesketh Knt. His Majesty's Attorney of the Court of Wards and Liveries, Sir Francis Bacon, Knt. Sir Lawrence Tanfield, Knt. Serjeant at Law; Sir Henry Hubberd, Knt. Serjeant at Law; Sir John Bennet, Knt. Doctor of the Laws; Sir Henry Withrington, Sir Ralf Gray, and Sir Thomas Lake, Knts. Robert Askewith, Thomas James, and Henry Chapman, Merchants.

We do not find among our authors any particular of the debates of these Commissioners, Spotswood in his history, fol. 481. gives in a draught of the articles they agreed on, which for want of room I only refer the reader to; but having obtained, from good hands, a manuscript of Sir George Mackenzie's, being a little like a journal of their proceedings, I could not but think it very much to the purpose, to insert it in the Appendix to this work, where may be seen the true ground-plot of the present Union, and the interest of both kingdoms, clearly stated, as it stood then; and, saving in matters of religion, remains still: See Appendix, No. 12.

These articles, thus mutually agreed on, were engrossed and signed by the Commissioners on both sides, and presented to the King the 6th of December, 1604;—but it was observed, that the Earl of Salisbury, at the presenting the draught to the King, expressed it to be the meaning of the Commissioners, that these articles were but an imperfect agreement, and that they were willing to finish and go through the same whenever he pleased.

However, the King offered it to the Parliament of England, and as Spotswood says, recommended it earnestly to them: but the more secret history of that affair, was, that the King himself falling in at that time with the English clergy, and opposing the prosperity of his own country, upon the score of religion and absolute will, found ways and means to puzzle this cause in Parliament; and first, the difficulty of the *post-nati*, a thing, which, had the English at that time proposed a hearty Union, would never have stuck with them, occasioned a long struggle, and at last the Parliament referred it to the common law. While this was doing, the national aversion, particularly in England, seemed to revive; and the public appearances in England of a spirit of division were such, as one observes, that very well discovered the King was become an Englishman; otherwise he would never have borne with those invectives and railings at Scotland, which Sir Thomas Craig, in his book *De Unione Regnorum*, says were then publicly used in the pulpits and in printed books, while their King was a Scotsman.

Nor was this all, but the King, instead of forwarding the Union of the two
king-

kingdoms, or promoting the particular advantage of Scotland, fell in with the arbitrary projects of that time, to make himself absolute in Scotland,—as he was also doing in England. This would lead me into a vast ocean of national confusions, which received their rise and conception in the tyrannical temper of this Prince, in which he laid the foundation of the ruin of his posterity, which, as remote to my present business, I purposely omit.

As to Union, nothing further was done till the year 1660;—and till that time, which was about fifty-six years, the subjects of Scotland enjoyed a freedom of commerce, in common with the English, to all the English colonies; but then some acts in England passing in prejudice of that freedom of commerce, the Scots renewed their complaints, and a commission, says Sir George Mackenzie, was granted in the third session of the first Parliament of Charles the Second in Scotland, and by an act at the same time in England, nominating Commissioners to adjust these differences; this was in 1666.

These Commissioners met on the twenty-first of January, 1667, and the Scots Commissioners gave in a proposal to the English, for settling the differences about trade, which paper I have also given you from an original manuscript of the said Sir George Mackenzie, and which you will find in the Appendix, No. 13.

The debates which followed this paper, says Sir George, served only to shew the King the necessity of commencing a further treaty, viz. Of an Union; and how ineffectual all other treaties would be to bring about the public peace of the two nations.

To this end, a Parliament being called in Scotland the 19th of October, 1667, and the English Parliament meeting the same day, he caused the great affair of an Union to be proposed to both at the same time; the Parliament of Scotland, by their letter to the King, expressed their readiness to concur with the proposal; and that they would grant commission to such as his Majesty should nominate for that purpose, to treat as their representatives; and left it to the King to name the time, place, and *quorum* of their meetings. This being the substance of the letter, I have omitted the letter itself, which is to be seen in the registers in Edinburgh.

The Parliament of England, by what affairs obstructed I shall not determine, did nothing in it that session; but re-assumed it in 1670, and impowered the King, by an Act 22 Carol. II. almost in the terms the Scots had done before.

The Parliament of Scotland, pursuant to this, granted a Commission for a Treaty, which was almost verbatim the same with that granted in England; that no debates might arise between the Commissioners of both kingdoms, about the difference of their Commissions, as had fallen out in the year 1604.

And because I shall endeavour to relate matter of fact, abstracted from my
own

own observations, in this history, I have, with some difficulty, obtained an original manuscript of the minutes of this short Treaty, which are as follows :

A TRANSCRIPT OF THE TREATY IN 1670.

Wednesday the 14th of September, 1670.

“ In the two and twentieth year of the reign of our Sovereign Lord Charles
“ the Second, by the grace of God, of England, Scotland, France and Ireland,
“ King, Defender of the Faith, &c. An act passed the Parliament of England,
“ intituled, An act authorizing certain Commissioners of the realm of England,
“ to treat with the Commissioners of Scotland, for the well-being of both king-
“ doms : and in the same year an act passed in the Parliament of Scotland to the
“ same effect.

“ In pursuance of which acts, and His Majesty’s Commissions under the Great
“ Seals of England and Scotland, the Commissioners in the said Commissions
“ named, are all this day in the Exchequer Chamber at Westminster, where His
“ Majesty’s Commission under the Great Seal of England was read publicly by
“ the Clerk attending the Commissioners for England ; and also His Majesty’s
“ Commission under the Great Seal of Scotland, by the Clerk attending the Com-
“ missioners for Scotland ; which being done, the Lord Keeper of the Great Seal
“ of England did let their Lordships know, that His Majesty had appointed
“ Somerset House for their future sitting in this affair, and, by consent of their
“ Lordships, adjourned their next meeting to be at Somerset-House, on Saturday
“ next, at nine o’clock in the forenoon.”

AT SOMERSET - HOUSE.

Saturday the 17th day of September, 1670.

“ This day the Commissioners of both kingdoms being met, the Lord Keeper
“ of the Great Seal of England delivered to the Earl of Lauderdale, Lord High
“ Commissioner for Scotland, a copy in parchment of His Majesty’s Commission
“ under the Great Seal of England, attested by the Clerk attending the English
“ Commissioners ; and received from his Lordship the like copy of the Com-
“ mission under the Great Seal of Scotland ; then their Lordships received a mes-
“ sage from His Majesty in writing, and heads therein proposed to be treated of ;
“ which being read, the Commissioners of both kingdoms agreed, to consider,
“ against their next meeting, in what method to proceed upon His Majesty’s
“ message, and also in what manner their Lordships shall deliver their opinions
“ at their general meetings ; upon which the next general meeting of the Com-
“ missioners was adjourned to Thursday the 22d of September instant, at nine
“ o’clock in the forenoon. After this adjournment, the Commissioners for Eng-
“ land withdrew into their own chamber, among themselves, to consider of the
“ method of their proceedings in this treaty.

“ Where, first, the Lord Keeper of the Great Seal, and the Lord Arlington, acquainted the rest of the Commissioners then present, that His Majesty had appointed Mr. John Walker to attend their Lordships as their Clerk, which their Lordships approved of, and ordered that he should subscribe their orders and papers :—‘ *By order of the Commissioners for the kingdom of England :*

‘ *John Walker, Clerk.*’

“ Then, upon debate, it was resolved, That nothing which shall be in debate, or assented, shall be taken as the opinion or resolution of the Commissioners of either kingdom, or drawn into consequence, or any way made use of, unless the whole be mutually agreed to: Also, that their Lordships would not treat by papers (as in the treaty of 1667); but that the joint resolutions of the Commissioners, at their general meetings only, be reduced into writing, and entered by both their Clerks. Next, it was resolved, That these two propositions be offered to the Commissioners for Scotland, at their Lordships next general meeting, as preliminaries to be jointly agreed and resolved on.

“ Then were read the several heads offered to their Lordships consideration, in His Majesty’s message; and upon debate, it was agreed, That the Lord Keeper of the Great Seal let the Commissioners for Scotland, at the next general meeting, know, That upon due consideration had, their Lordships offered the third head proposed in His Majesty’s message (viz. the uniting both kingdoms into one monarchy under his Majesty, his heirs and successors inseparably) to be the first point to be debated; and then, that his Lordship desire the Commissioners for Scotland, to propose, on which of the two first heads to proceed next; but that their Lordships were of opinion, not to proceed on the fourth or fifth heads, till the others be agreed to.

Thursday the 22d of September, 1670.

“ Before the general meeting of the Commissioners of both kingdoms; this day the Commissioners of England met in their own chamber, and it was agreed, that what the Lord Keeper shall propose at the general meeting be done in the name of the Commissioners.

“ Then the Commissioners of both kingdoms being met, the Lord Keeper of the Great Seal offered to the Board, what the Commissioners for England had agreed on, on Saturday last, as preliminaries for the better proceeding in this treaty; the substance thereof being assented to by the Commissioners for Scotland, it was agreed, the Committee of the Commissioners of both kingdoms should be appointed for the wording of what was agreed to, and to report unto the Board.

“ Also his Lordship proposed the third head of His Majesty’s message to be the first article to be debated; which was assented to by the Lords Commissioners for Scotland; but some objection being made against the words ‘ And suc-
“ cessors,’

“cessors,” in that head, the Commissioners for England withdrew to their chamber to consider thereof, and what words were fit to be assented to; where, after some debate, their Lordships resolved, that, if the Commissioners for Scotland, at their Lordships return, should insist upon leaving out these words, ‘and successors,’ to yield to them therein.

“While the Commissioners for England were in their chamber, a message was brought from the Commissioners for Scotland by their Clerk, to know whether their Lordships would name their Committee there, or at the Board; upon which their Lordships named the Earl of Anglesey, Master Attorney General, and Sir Leoline Jenkins, and returned answer, that they had named a Committee of their Commissioners.

“Then the Commissioners returning to the general meeting, after some debate upon the third head, agreed to leave out the words, ‘and successors,’ and that the monarchy be styled by the name of Great Britain. Then the Lords Commissioners for Scotland let their Lordships know, that they had appointed the Earl of Kincardine, the Lord Advocate, and Sir Robert Murray, to be their Committee; and the Commissioners for England named the Earl of Anglesey, Master Attorney General, and Sir Leoline Jenkins, whom they had appointed to be of the said Committee; which Committee were also appointed to word the third head as agreed to, and to meet when and where they pleased, so as to be ready to make a report on Saturday next. Afterward the Lord Keeper proposed to the consideration of the Commissioners for Scotland, whether they would proceed next upon the first or second head mentioned in his Majesty’s message; then the Commissioners for Scotland declared to enter upon the debate of the first head (viz, The preserving to either kingdom their laws, civil and ecclesiastical, entire) on Saturday next, which being agreed to, the next meeting, by their Lordships general agreement, was adjourned to Saturday next, at nine o’clock in the forenoon.

“The order for the Committee was drawn as follows, viz.

Thursday the 22d of September, 1670.

“Lords Committees nominated by the Commissioners, appointed to treat concerning an Union between England and Scotland, for the wording the two preliminaries, and the third head of his Majesty’s message, as this day agreed to, at their Lordships general meeting, in order to the entering them by the respective Clerks attending the Commissioners of both kingdoms:

Earl Anglesey,	Earl Kincardine,
Master Attorney General,	Lord Advocate,
Sir Leoline Jenkins,	Sir Robert Murray.

“Their Lordships to meet when and where they please, so as a report be ready for the Board by Saturday next, at nine o’clock in the forenoon.

Friday

Friday the 23d of September 1670.

“ The Lords Committees above-mentioned met at nine o'clock in the forenoon
“ at the Earl of Anglesey's house, and after consideration had, agreed, that
“ the particulars committed to their charge be worded as follows :

PRELIMINARY ARTICLES.

“ That the manner of proceeding between the Commissioners of both king-
“ doms be by conference and debate ; and that the result of their debates be put
“ in writing by a Committee of the Commissioners of both kingdoms ; and after
“ approbation thereof, the copies of such writings be delivered to the Commis-
“ sioners interchangeably, signed by their respective Clerks, and then entered in
“ the respective books, and signed by both Clerks.

“ That nothing agreed on, or assented to, by the Commissioners of both
“ kingdoms, in their treaty, shall be taken as the opinion or resolution of the said
“ Commissioners, nor drawn into consequence, or any way made use of, unless
“ the whole which shall be agreed to be reduced into instruments tripartite, under
“ the hands and seals of the said Commissioners, according to their respective
“ Commissions.”

ARTICLES OF THE UNION.”

“ Resolved, That the two kingdoms shall be united in to onemonarchy, under
“ His Majesty and his Heirs inseparably.

“ 2. That the name of this monarchy shall be, GREAT BRITAIN.”

Saturday the 24th of September, 1670.

“ The Commissioners for England being met in their chamber, the Earl of
“ Anglesey reported what the Committee of the Commissioners of both kingdoms
“ had prepared, pursuant to their Lordships order, at the general meeting of the
“ Commissioners of both kingdoms ; upon consideration had whereof, it was
“ proposed, that some words might be added to the second preliminary article,
“ to take off all jealousies that may remain of any use to be made hereafter, of
“ what shall be put into instruments *tripartite*, if the Parliaments of both king-
“ doms shall not think fit to confirm the same : whereupon a message was sent
“ from their Lordships to the Commissioners of Scotland (in their chamber),
“ to desire, that the Committee of the Commissioners of both kingdoms might
“ meet again presently in the Great Room, which being consented to, the said
“ Committee met, and agreed to alter and add to the second preliminary, in
“ manner following :

“ That nothing which shall be agreed, or assented to by the Commissioners of
“ both kingdoms in their treaty, shall be taken as the opinion or resolution of
“ the said Commissioners, nor drawn into consequence, or any ways made use of
“ as such, until the whole, which shall be agreed unto, be reduced into instru-

ments *tripartite*, under the hands and seals of the said Commissioners, according to their respective Commissions; nor then neither, unless the same, being presented to, shall be approved and ratified by the respective Parliaments; so as this preliminary be not understood to leave room for debate, or change of any thing by the Commissioners, which shall be put under their hands and seals, as aforesaid.

Which alteration and addition, being reported by the Earl of Anglesey to the Commissioners for England, was approved of.

Then the Commissioners for Scotland sent a message to the Commissioners for England, desiring that the said Committee might meet again presently in the Great Room, which was agreed to; where being met, the Committee of the Commissioners for Scotland proposed an addition to be made to the first article of Union agreed upon, of these words, *They being of the progeny and posterity of King James, His Majesty's royal grandfather of glorious memory.* Which addition the Earl of Anglesey reported to the Commissioners for England, whose Lordships upon debate thereof, agreed to offer at the general meeting of the Commissioners of both kingdoms, the article thus altered: 'That the two kingdoms shall be inseparably united into one monarchy under His Majesty and the heirs of his body, and for want of such heirs, under the body of King James, His Majesty's royal grandfather of glorious memory.'

Then the Commissioners of both kingdoms being met, the Lord Keeper of the Great Seal read the two preliminary articles, prepared by the said Committees, to which the Commissioners for Scotland declared their agreement, and the Commissioners for England theirs; also his Lordship read the two articles of Union upon the third head in his Majesty's message, worded by the said Committees, with the addition of such words, as the Commissioners for England, upon the motion of the Commissioners for Scotland, thought fit to assent unto; to which articles the whole Board consenting, the said preliminary articles of Union were written fair, and signed by the respective Clerks, and then (being openly read again by the Clerk attending the Commissioners for England) were interchangeably delivered to the Commissioners of both kingdoms, to be entered in their respective books, and signed by both Clerks.

Next the Earl of Lauderdale, Lord Commissioner for Scotland, offered the first head in His Majesty's message, to be then proceeded on, *viz.* 'The preserving to either kingdom their laws civil and ecclesiastical intire;' to which his Lordship declared, they did agree in general, but differed as to the meaning of it; thus:

That the laws and customs, civil, criminal, and ecclesiastic judicatories and offices of either kingdom be preserved, and remain intire in all time coming, as they are before the Union. And that all actions, processes, causes and ques-

tions,

“ tions, civil, criminal, or ecclesiastical, concerning the subjects of Scotland, or
 “ any of them, in their lives, rights, properties, or other interests in Scotland, be
 “ only tried, judged, and determined in Scotland, by the ordinary and compe-
 “ tent judicatories there, and shall not be heard, pursued, or judged in England,
 “ in the first instance, or by way of appeal, review, reduction, or by any other
 “ way whatsoever.

“ After some debate had hereupon at the Board, to the end their Lordships
 “ might the better consider thereof, the Lord Keeper (by the general consent of
 “ the Commissioners of both kingdoms) adjourned the next meeting to Thursday
 “ the 13th day of October next, at nine a clock in the forenoon.

“ After which, the Commissioners for England met in their own chamber, to
 “ debate and prepare themselves upon this point against the next general meet-
 “ ing; and after some time spent thereupon, departed.”

Thursday the 13th of October, 1670.

“ This day the Commissioners for both kingdoms present being met in the
 “ Great Room, the Earl of Lauderdale did intimate to their Lordships, that, in
 “ regard of His Majesty’s being at present at Newmarket, where many of the
 “ Commissioners appointed for this treaty are attending on His Majesty, he con-
 “ ceived there was sufficient reason for adjourning their proceedings for some
 “ few days longer; upon which, by the general consent of the Commissioners
 “ present, the next meeting was appointed to be on Thursday the 20th of Oc-
 “ tober instant, at nine o’clock in the forenoon.”

Thursday the 20th of October, 1670.

“ The Commissioners for England being met in their chamber, the first
 “ head proposed in His Majesty’s message was read, with the proposition made by
 “ the Commissioners for Scotland, as an explanation thereof; which being de-
 “ bated by their Lordships, after some time spent it was agreed, to desire the
 “ Commissioners for Scotland to express their meaning more clearly, as to the
 “ legislative power of the Parliament, which will be for Great Britain after the
 “ Union. Upon which the Commissioners for both kingdoms being met, the
 “ Lord Keeper offered to the Board, that the Commissioners for England had
 “ considered of the proposition made by the Commissioners for Scotland upon
 “ the first head in His Majesty’s message now under consideration; and having
 “ read the proposition, told their Lordships, that as the proposition is made, the
 “ Parliament which will be for Great Britain will have no legislative power to
 “ alter or change any laws, how grievous soever; besides, there will be no power
 “ any where to alter the laws in Scotland, though the subjects of Scotland should
 “ desire it; and therefore desired their Lordships, the Commissioners for Scot-
 “ land, to explain their meaning upon that proposition.

“ Whereupon the Commissioners for Scotland desired to withdraw, whose Lordships soon after returning, the Earl of Lauderdale delivered the meaning of the Commissioners for Scotland, as follows, viz. ‘ Our meaning is not hereby to determine every particular law of Scotland to be unalterable ; but we cannot say any thing to the way of altering, till the next article concerning the Parliament be treated.’

“ Upon which the Commissioners for England desired to withdraw for a while, to consider of what was offered, and return presently.

“ Whose Lordships being withdrawn to their own chamber, the said answer of the Commissioners for Scotland was there read ; and upon some consideration had thereof, it was agreed, to take a little more time to consider more fully thereof, and upon their return, to propose the same to the Board, and a present adjournment. Then the Commissioners for England being returned into the great room, the Lord Keeper did let the Board know, that their Lordships conceive the matter proposed worthy a little more time, in which it might be better considered, as well by their Lordships the Commissioners for Scotland, as the Commissioners for England ; whereupon, by the general consent of the Commissioners of both kingdoms, the next meeting was adjourned to Saturday the 22d instant, at nine o’clock in the forenoon.”

Saturday the 22d of October, 1670.

“ The Commissioners for England being met in their chamber, read the last paper delivered by the Commissioners for Scotland, and thereupon agreed to offer at the Board, that they are ready, if their Lordships of Scotland please, to proceed upon the second head proposed in His Majesty’s message, viz. ‘ The uniting both Parliaments into one ;’ and to receive what the Commissioners for Scotland shall offer thereupon.

“ Then the Commissioners for both kingdoms being met, the Lord Keeper expressed the sense of the Commissioners for England, upon the exposition made by the Commissioners for Scotland, upon the first head proposed in His Majesty’s message ; and did let the Board know, that, if their Lordships of Scotland think fit, they are ready to proceed upon that head ; and if they pleased to offer any particulars upon it, the Commissioners for England were ready to proceed thereupon.

“ Upon which the Commissioners for Scotland declared their willingness to proceed upon that head ; but desired time to consider of what shall be thought fit to be offered on either side upon it, until another meeting.

“ Whereupon, by the general consent of the Commissioners for both kingdoms, the next meeting was adjourned to Thursday the 27th instant, at three o’clock in the afternoon.

“ Then

“ Then the Commissioners for England returned to their chamber, to consider in what manner to proceed upon the said head; and after some time spent, agreed to hear what the Commissioners for Scotland will, at their next meeting, propose upon that head.

“ By His Majesty’s order, on the 26th of October, the next meeting of the Commissioners of both kingdoms was put off to Tuesday the first of November, 1670, at nine o’clock in the forenoon.”

Tuesday the 1st of November 1670.

“ The Commissioners for England being met in their chamber, to consider of the second head in His Majesty’s message now to be treated on, agreed to propose to the Commissioners for Scotland, that, conceiving their Lordships intend a proportionate number of Members to sit in both Houses of the Parliament, which shall be for Great Britain, they desire to know from the Commissioners for Scotland, what that proportion shall be for Scotland, as to England?

“ Then the Commissioners of both kingdoms being met, the Earl of Lauderdale declared, that, according to agreement, the Commissioners for Scotland were ready to proceed upon the said second head.

“ To which the Lord Keeper answered, that the Commissioners for England did likewise agree to it; but supposing the Commissioners for Scotland intend a proportion of Members as to the balance of that Parliament, desired to know, what that proportion shall be for Scotland, as to England?

“ Upon which the Earl of Lauderdale declared, that they came to this treaty by the authority of the Parliament of Scotland, and were named by his Majesty; and they did not see how their number should be less, than now it is in the Parliament of Scotland, without incapacitating some Peers in Scotland, and cutting off some shires and royal boroughs from sending Members to Parliament, which would be a hard task to undertake, their Lordships being to give an account of this treaty to the Parliament of Scotland. Upon which the Lord Keeper told them, that, their Lordships having proposed a thing which the Commissioners for England could not expect, it would be fit to take some time to consider thereof. Which being agreed to, the next meeting (by the general consent of the Board) was adjourned to Tuesday the eighth of November instant, at three o’clock in the afternoon, to debate this subject.

“ Then the Commissioners for England being returned to their chamber, after some debate, it was agreed, to desire Master Attorney General to draw some reasons to be offered to their Lordships consideration, at their next meeting, against what the Commissioners for Scotland have proposed, concerning their Parliament being entirely united to the Parliament of England.”

“ Tuesday

Tuesday the 8th of November 1670.

“ The meeting of the Commissioners of both kingdoms intended to be this
“ day, was put off till Saturday next, the 12th of this instant, at three in the
“ afternoon.

“ By his Majesty’s order, on the 11th of November 1670, the next meeting
“ of the Commissioners of both kingdoms was adjourned to the last Thursday
“ in March next coming.”—And never met more.

Any one that peruses this short treaty, or rather conference, may see that these times were not tempered for an effectual Union; and those that know any thing of the secret history of that day, will also know there were private designs then on foot, which made a nearer Union inconsistent with the views of the Court.

The Scots insisted on a conjunction of Parliaments, not an incorporation of foundations, as has now been proposed; England durst never hear of such a conjunction of Parliaments, on account of Church matters; knowing, that, though Episcopacy was then established in Scotland, yet, that the secret bent of that nation was Presbyterian; and they durst not think of a conjunction of Houses on that score.

And here I would ask leave of the Gentlemen in Scotland, who have opposed the present Union, in regard of its hazard to the Presbyterian Church, to remind them, what reason they have to look back to the days of this treaty, and be thankful, that the Union was not compassed at that time; and to consider, why they should have ventured putting it off to a farther time, since, had it happened in that time, when Episcopacy had the face of a legal establishment in Scotland, the Presbyterian Church had for ever sunk under its weight, and been exploded by the laws of both kingdoms; both kingdoms had been obliged to keep it down, and it could never, miracles excepted, have recovered itself in that nation.

And thus I have traced the several endeavours to unite these kingdoms in former times, in which I have been as brief as I can; I shall conclude this with only one remark, which I believe will appear to be just. Through the whole course of the several treaties hitherto named, the first excepted, which was disappointed by a mere judgment from Heaven, I mean the death of the Maid of Norway; all the rest of the proposals for Union between these kingdoms met with their particular obstructions from Popery, French interest, home-tyranny, or court-intrigues; these were the only enemies of Union, and, I believe, it may, without partiality, be added, *and so it is now.*

We are now come to the present times, King James the Second, in England,

or

or Seventh in Scotland, had no other Union in view, but that of uniting all his kingdoms to the church of Rome; and this put him upon measures perfectly distinct from all that had gone before him, from whence we have had two famous revolutions in Britain, one in the regal state of both kingdoms, the other in the ecclesiastical state of Scotland, from Episcopal to Presbyterian:—This was no sooner brought to pass, but Scotland put the King in mind of their desires to unite, in their letter to King William; of which presently.—But all that Prince's reign, this good design met with obstructions, of which I shall be something particular in its place. And thus we are brought down to Queen Anne, in whose reign this great work was once attempted, but proved abortive; and at the second essay was brought to perfection, as will be seen in the sequel of this story.

O F

A F F A I R S I N B O T H K I N G D O M S ,

I N T R O D U C T O R Y O F A

T R E A T Y O F U N I O N .

BEFORE I enter upon the proceedings in the reign of Queen Anne, towards a general Union of these kingdoms, it is absolutely necessary to the right understanding of things, to take a short view of the posture of public affairs in the respective kingdoms, and what it was that rendered the Union so absolutely necessary at this time, that to all considering people, who made any tolerable judgment of things, it was plain there was no other way left, to prevent the most bloody war that ever had been between the two nations.

At the revolution, as has been already noted, and several times during the reign of the late King William, motions had been made frequently, both on the King's side and on the peoples also, to come to a treaty ; but that Prince had always one thing or other cast in his way, to prevent his good design.

The King was often heard to say, that this island could never be easy without an Union, and if either of them understood their own happiness, they would never rest till it was brought to pass. And, as I had the honour to mention it once among other things, in a scheme of general peace among the Protestant interests in Europe, I cannot forget, that his Majesty expressing some concern at it, returned, “ I have done all I can in that affair ; but I do not see a temper “ in either nation that looks like it ; ”—and added, after some other discourse, “ It may be done, but not yet.”

During the whole reign of this prince, the breaches between the two kingdoms rather widened and increased, than tended to a close ; and several national unkindnesses past between them, which prepared both sides, as it were, to reflect upon and reproach the other ; there wanted not also a set of wicked instruments always to blow the coals of discord between the kingdoms into a flame, and, if possible, to bring the nations to a rupture.

Some of these passages which, I say, tended to estrange the nations, and, as it were, prepare them for a breach, rather than for an Union, were these :

The settling an African or Indian Company in Scotland, and the several clashings of interest between the two nations on that head.

The affair of Glenco.

The difficulties about the succession and limitations.

The act of security there.

The act in England intituled, “ an act for preventing dangers arising from “ the Act of Security in Scotland.” ~

The seizing the ship the Worcester, and execution of Captain Green, and several others.—

All these things concurred to convince those that had the least knowledge of affairs in both kingdoms, that nothing but an Union could prevent the nations falling all to pieces, as soon as ever the Queen should die, if not sooner ; and that, therefore, it was immediately and heartily to be set about, as the only way to preserve the public tranquillity, and prevent the certain mischiefs that threatened the whole body.

I shall not enter into a particular history of these several cases, as being too tedious for this tract ; but as it is necessary to say something of them, to convey the right understanding of these matters to posterity, and that more regularly to introduce the general thing I am upon, *viz.* The Union, I cannot wholly omit them.

And first, for the African Company, the large commission that Company obtained, by which they seemed to rival the English, both in their Guinea, East-India, and West-India trade, was ill relished by the English, who at that time were in an odd and unsettled posture, as to those trades at home. And as this is not rightly understood by a great many, that run round about for reasons of the English Parliament’s falling upon that affair, it may not be amiss to set it in a clearer light.

The English East-India trade, being for a long time prescribed in the narrow limits of an exclusive Company, who tyrannized not a little in their absolute management of that trade, and became grievous to the rest of the merchants, many attempts were made to lay open their stock, and increase so great, and so beneficial a trade ; but the Company withstood all the attempts that way, and kept all invaders off ; till at last by the mighty advance of two millions to the government, the new East-India Company got a charter, and set up against them :—How they rivalled one another, and with mighty struggles too much embarrassed the whole nation, till the King himself was obliged to concern himself in uniting them ; and how he brought that great work to pass, are things not so

much to my present purpose ; but, at this time, viz. 26 June, 1695, the Scots Company obtained their settlement.

Whatever prospects the projectors of that Company had in their view, some of which will, I doubt, hardly bear a history, I never heard one of them pretend, that either the stock to carry it on, or the market for their trade, could be found in Scotland ; and from hence, with other particular objections, which, I believe, they never debated, I pretend to say, they could never really propose any rational probability of success.

If they imagined to obtain help from abroad, they indeed were in the right, for they could not but know, that the merchants in England would leap at a proposal to get into the East-India trade, free from the bondage of the Company mentioned before ;—but if they imagined also, that this could do less than embark the English Government against them, and bring the Public to concern themselves about it, they were exceeding short-sighted, or must at the same time believe the other very ignorant in the affairs before them.

The first step the Company took, was to open books for subscriptions at London, and afterwards at Hamburgh ; and this was no sooner done, but the English Company took the alarm at both, and obtained, by their interest with the Government, instructions to the English Resident at Hamburgh to oppose it there, which was done most effectually. The English Resident, as it was said, tacitly threatening the Hamburgers, that the English should remove their staple of cloth to the city of Bremen, and ruin the trade of Hamburgh : whether he did actually threaten them so or no, I do not affirm ; but, it is certain, he so managed affairs, that the subscriptions begun there were stopped, and the design on that side effectually ruined. Then they (I mean the English East-India Company) applied themselves to the English Parliament, and, by offering plausible reasons there, soon obtained their votes against it also, and against any of the subjects of England subscribing to it ; and the Scots merchants, who had subscribed in England, were ordered to be impeached of a misdemeanor, though the Parliament being near a close, those impeachments dropped of course.

These things had the desired effect ; for they crushed the attempt of raising a new East-India Company in these parts of the world ; and the projectors then played their other game of Darien, in which they had the same unhappiness, viz. to put the English nation under a necessity of opposing them.

I do readily allow, the first scheme of a trade to the East-Indies had a probability of success in it ; a thing I cannot grant to the affair of Darien ; which, I think, had not one branch belonging to its contrivance, but what was big with necessary abortions, such as remote mines of gold to be gained and maintained by force against the Spaniards, in which England could not, without breach of faith,

faith, assist; such as a trade for European goods with the Spanish colonies, which must always have been by force, or by stealth; and neither of these had any rational probability.

As to their trade over land to the South Seas, and thence to the Indies, though much boasted of, it answers for itself, and seems a too impracticable whimsy to merit any reply, much like that other dream of making a navigation, or communication between the South Seas and the gulph of Mexico, by the river of Darien; which, if all were done, and the distance measured to that part of India, to which we chiefly trade, viz. the Coast of Coromandel, Surat, Bay of Bengal, &c. I think any body will determine the voyage by the Cape of Good Hope, the better passage by much, and very little if any thing longer.

But to come to the case: the Company, or rather the projectors, who had now embarked the gentlemen in a subscription of 400,000 pounds sterling, carried on their design, and with two ships.

Men and a cargo perfectly unqualified for any kind of trade, either with English or Spaniards, set sail, and landing at Darien, made a settlement there, fortified themselves, and prepared to maintain it.

The Spaniards, who claim a right there, (and whether that right be disputable or no is not the question here,) immediately proceed by a double method, first, to prepare to dislodge them by force; and secondly, apply themselves to the King of England, claiming, by virtue of the treaty made with England, ratified and exchanged, that no succour should be given to the Scots from any of the English colonies in America.

This, as an express stipulation, could not be denied by the English Court; and accordingly a proclamation was exhibited by the King of England, and sent to all the English plantations, forbidding trade or correspondence with them.

I cannot help saying, had the managers of the Company's affairs had the least forecast of things, they could not but have expected all that happened here; and also might have known, that, had they acted right, those proclamations could have done them no manner of damage.

Whoever has the least knowledge of the affairs of that country, and of the trade of the English colonies, must needs know, that, had the Scots Company, who had placed themselves at Darien, been furnished either with money, or letters of credit, they had never wanted provisions, or come to any other disaster, notwithstanding the proclamations of the English against correspondence.

Nor will any man be so vain to say, that they ought to have ventured on such a settlement, depending on supplies from the English, especially when, in their affairs of Hamburgh and London, which were before all this, they had seen the English concerning themselves against their Company; much less should

they have gone to plant themselves in a climate unfit for product itself, with neither cash nor credit to buy in other places.

At last it is apparent, that, notwithstanding the proclamations, and after all the officious care of the Governors of the English colonies, yet several sloop of provisions came to them, but found them on the other hand unfurnished to purchase, except with such goods as were fit for no market; nor could they give bills any where to make good the value.

The trade to the Spanish West Indies is forbidden in those parts, under the severest penalties of loss of goods, confiscation of the ship, and death of the people; and yet we see, that, at Jamaica for the English, and Curasoe for the Dutch, they carry on a prodigious trade, encouraged by the gain of it.

Had the Scots at Darien had any thing sufficient to encourage the traders thither, they had never wanted provisions; and as they were unprovided that way, they must have starved, had there been no prohibitions at all; for they would have found few of the planters, or merchants of the colonies, inclined to have furnished them without money.

This I think clears up the case sufficiently, and therefore I shall say no more to it here; it is thus far to the present purpose, that this disaster of the Scots, be the fault where it will, was one of the great occasions of ill blood between the nations; while those that took all opportunities to widen our breaches on both sides, continually cried out in England, that the Scots were encroaching upon our trade, and setting up a new East-India trade; and, on the other hand, in Scotland they complained of the unnatural and barbarous treatment of the English; both which took with the common people of either nation, to the unspeakable disquieting of their minds, and raising continual reproaches against one another, without giving themselves leave to inquire into the grounds and reasons of things.

I have been the larger on this head, because I think this to be the first handle that our quarrelsome people took hold of to object against one another, and on which the future jealousies between the nations were pretended to be built.

The affair of Glenco was another step to national breaches; and though every body tells me, I must handle this very gently, perhaps they may see there is not so much cause for it as they imagine.

And having the honour to have had something of this from persons very near the King, and perhaps from His Majesty's own mouth, I shall only state the general, so far as it has been reported to the injury of that glorious Prince, and to the exciting national animosities between us.

In doing this, I shall only avoid naming of persons, let the guilt die in their graves;

graves; we are not now calling up the persons to judgment, but setting the matter in a clear light.

That the Glenco men, among several other clans of the Highlanders, were enemies to the Government at that time, had been in arms under Dundee, and had on all occasions shewn their implacable aversion to King William, and all the interest of the Revolution, needs no proof, and is owned even by the greatest friends to the cause.

That these people were not only very troublesome, but dangerous, and had committed several hostilities, murders, robberies and depredations, on both the innocent country people their neighbours, as well as on the garrison of soldiers placed on that side to suppress them, is also out of dispute.

The defence made for this is short,—that they were fair enemies, and had professed open war.

It is answered thus : that,

1. They cannot be owned as open enemies, because they really had no commissions from King James. And 2dly. The war was as it were suppressed; the generality had laid down their arms, and submitted; and these, as a few desperadoes, kept up the quarrel rather as an advantage of rapine and plunder, than a service to their pretended master, or his cause.

2. Suppose them at open war, it has been the known practice in war, when a governor of a garrison holds out without expectation of relief, without any prospect but mere desperation and mischief, to give such no quarter; no conditions at all; but even after taking the place, to hang them up in cold blood, as wild beasts, that make no fair war, and deserve no fair treatment.

As His Majesty had this account given him of these people, and I do not find but it was a true account too, it was the advice of the General and officers employed at that time, that it was a mischief which, as times then went, might be very dangerous to the Public, and that therefore it behoved them to take some immediate course with them; and since desperate mischiefs require remedies of the same kind, they thought the first force the best, and proposed to march immediately with a body of troops into the place, and intirely root them out as a den of thieves and destroyers, without which the peaceable subjects could never be safe, nor the Government be easy: that the charge of maintaining troops there was an intolerable burden to the country, and as there was no other way could prevail to preserve the peace, it was absolutely necessary to come to extremity.

His Majesty, who, by his experience in military affairs, was soon convinced both of the justice in point of war, and necessity in point of government, of this advice; yet, out of his mere goodness of disposition and general clemency,

answered,

answered, he agreed to their reasons, but required, that before any such extremities should be used with them, a proclamation should be published, offering pardon, or remission, for all violences and villainies past, to all those people without exception, who within a certain time should come in, lay down their arms, and submit to the Government, and take the oaths as peaceable subjects.

It is here visible that His Majesty's intentions were not only just and honourable to these people, though his implacable enemies, but that he resolved, like a merciful Prince, to try all reasonable methods of tenderness and goodness, if possible, to keep the peace, and save the offenders too.

With this proclamation, commission was given to the military power, if this merciful method could not prevail, they should proceed to extremities; and by force of arms destroy all those that should stand out, and not comply with the proclamation. And His Majesty's orders were, as far as relates to this part, as follows:

The instructions were to Sir Thomas Livingstoun, dated January 11, 1692. The first clause is thus:

“ You are hereby ordered and authorized to march our troops, which are now posted at Innerlochie and Innerness, to act against those Highland rebels, who have not taken the benefit of our indemnity, by fire and sword, and all manner of hostilities; to burn their houses, seize or destroy their goods, cattle, plenishing or clothes, and to cut off the men.”

The fourth article runs thus:

“ That the rebels may not think themselves absolutely desperate, we allow you to give terms and quarters; but we are so convinced of the necessity of severity, and that they cannot be reclaimed, that we will not allow you to give any other terms to chieftains, heretors, or leaders, but to be prisoners of war, whereby their lives are saved; but for all other things they must surrender on mercy, and take the oath of allegiance.”

In additional instructions, one clause is thus dated the 16th of Jan. 1692.

“ If that Mackean of Glenco, and his tribe, can be well separated from the rest, it will be a proper vindication of the public justice to extirpate that sect of thieves.”

Thus far I think I may undertake to say his Majesty proceeded by the known custom of all the most just governments in the world, and it would be needless to examine histories to bring precedents here to justify the method.

It is certain, and all men allow that the Glenco men had not complied with the proclamation; nay they had rejected two indemnities.

I know it is objected, that Glenco came and took the oath six days after the time, made a legal and just excuse, and sent word of his willingness to comply with

with it, and that it was only a trespass of time, which they supposed he had repaired; that the end of the proclamation was answered, and that the King, who was mercifully inclined, would never have taken the lives of people, resolved to submit, for a trespass of days.

To this I answer, as his Majesty himself did in that case, that indeed had he been in the field, and on the spot, and that excuse had been sent to him, he might have accepted it; but that as commissions in cases of war are to be punctually executed, he could not require it of the officers to accept it as an excuse against a positive proclamation, and an express order; besides, I do not find any but the chief had gone thus far, the rest not having come in at all.

It is alledged, that the execution was from private malice; but none could ever yet have the face to charge His Majesty with that; and I could never hear of any reason given why the commanders of the forces should have any, much less those at whom the scandal of it was pointed, upon pretence of giving unwarrantable orders.

But the case chiefly lies here: the men fell under the misfortune of a crisis in war; they brought themselves into it by an omission of time; to say, they could not avoid it, does not reach the case: if the officers can be charged with any private revenge in this case: I have only this to say.

1. I never yet saw any reason to think so; no personal grudge or quarrel ever appeared, that I ever met with, or was so much as alledged in it, or gain pretended to be made by it, if the Earl of B—— had any private game, it neither affected the King, nor the other persons charged with the thing.

2. If it were so, it no way affects the King, against whom the reproach of this affair is since pointed, who acted nothing but what was agreeable to the laws of war, and mixt it with that general blessing of his temper, an unusual clemency.

If the commission given was executed with barbarity, and blood, killing people in what we call cold blood, surprising them in peace, and dependence on safety, all this will turn upon the merits of the first cause: for if they were by the laws of war to be destroyed, all manner of surprises become justified by the same law. As to the cruelties and excesses of the furious soldiers, no man can have the face to reproach His Majesty with that.

The grand question remains yet behind, why did not the King cause the offenders to be made examples, and severely punish the murderers?

I shall answer,

1. If his Majesty's peculiar was too much clemency, I think some of those that make the loudest exclamations on this article ought to be silent; since, had exemplary justice been his Majesty's employment from his first landing, we should

should have no reason to have said, it was a bloodless revolution; nor they perhaps have been alive to complain.

2. For the reasons aforesaid, his Majesty often said, it was a moot-point in war, whether they had broken orders or no; and though I have the honour to know that his Majesty exceedingly repented the manner, yet it did not appear at all that they had laid themselves open to military justice in it, or so much as given ground to call them to account before a council of war.

As to national, or civil justice, the memory of the King can never be reflected upon in that, unless some persons had pursued them at law, obtained sentence against them, and his Majesty had protected them from the prosecution or execution of such sentences.

Thus far, I think, the King himself is intirely clear of this matter; who else may have been guilty, and how, either of breaking orders, going beyond them on niceties, and executing them with barbarities, I have no occasion to enter upon here; I shall be far from defending such things, and I am sure his Majesty was far from approving it.

But this is more compleatly answered, by putting the world in mind, that his Majesty did refer the prosecution of that affair wholly to the Parliament, as more particularly appears by the Parliament's Address of Thanks to his Majesty for so doing.

And that in their prosecution they found no room for legal process, except against the officer who executed the orders in a manner so barbarous, which officer fled from justice, and was proscribed for not appearing.

So that here was no legal process interrupted; but all was frankly remitted by his Majesty to the severest methods of justice, which if it would not reach the persons concerned, it is very hard the slander should reach the King.

It might be said here, you have no occasion to defend the King's memory in this case, since the Parliament of Scotland cleared his Majesty, by their unanimous vote of the 14th of June, viz. "That his Majesty's instructions contained no warrant for the execution of the Glenco men."

I shall only observe, that it is true the Parliament passed such a vote, and it is as true the King repented very ill their usage of him, as he had great reason to do, frequently repeating, that he thanked the Parliament of Scotland, they had used him better than England had done his grandfather; for they had tried him for his life, and brought him in *Not Guilty*. I must confess, it was very unaccountable the House should pass such a vote upon their Sovereign, whom no man had had the impudence to own a reflection upon in the case, though they did it clandestinely; and it had much better have become them, to have searched after, and punished those that slandered the King on that account.

But

But the reproaching the King, and those employed by him, and who under him gave orders in it, had its party uses; what end it answered at that time is very well known, and would make a very good history, to the reproach of some pretenders to revolution principles; but I choose to bury these things in silence, neither are they any part of this design.

I have assigned this as a second ground of national animosity; not that it was acted by any of the English nation, but as the gentlemen who improved it, turned it all against the King, it was still furnishing matter of raillery against the Revolution and Succession, which both turned upon one point, and was now supported and pushed on in Scotland, by the interest and influence of the English Court.

I have digressed upon the subject on no other ground, than to clear up the reproaches which envy would fain fix on the King and his memory, which, I think, not at all accountable for it.

3. The next general head, on which our national discontents have been revived, and indeed which has been strangely issued, has been the succession of the crown.

This has a long chain of derivations to fetch it from, but I shall contract them into as small a compass as I can.

The original of the whole debate is to be placed, if we will do justice, in his late Majesty's sincere and constant care for the peace and security of these kingdoms.

The King had seen the prospects of an Union fly like a remote shadow, as it were out of ken, and finding reason to lay aside the thoughts of that blessed conjunction, he found the next step needful was, to preserve the public peace, and hand down our liberties to posterity, under the same security he had so happily fixed them in; in order to this, his Majesty began to set himself seriously to work to settle the succession of the crown in the Protestant line.

Before I enter into this large field, I must take one opportunity more to exalt the memory of the King, and put these nations in mind of the care that Prince took, abstracted from his own interest, to settle both the liberties and religion of this island, in spite of all the ill treatment he met with here.

Upon the Revolution, a great deal of clamour and reproach had been levelled at the King, as if he pursued his own interest in the taking the crown of England; though I must acknowledge I am at a loss to find out what he gained by it, though I have had opportunities to know something of his Majesty's affairs; but sure, nobody could charge his Majesty with having an eye to his interest, in what should happen after his death; he could have nothing to propose to himself beyond the grave;—it could be of no moment to him, who should enjoy

the crown after him, since he had no children of his own, nor could he expect the succession should come to any branch of his family.

Covetousness and ambition may guide Princes in their pursuit of honours and possessions, to themselves and their families; but when a Prince has no family, no relations that can enjoy after him, it cannot be rational to talk of ambition or interest in that case.

His Majesty's memory is therefore untainted, and even the enemies of his fame are defeated here; for the very pretence fails them. His anxiety for the settlement of the succession could favour of nothing but a mere concern and respect for the interest, safety, and liberty of the country; and let any man give any other rational account of it, if he can: but this is by the way.

In pursuit of this original design, his Majesty laid the ground-plot of the succession to the House of Hanover, went himself to Hanover, and thence to Zell, to concert the measures of it on that side, mastered some difficulties there too, and then proposed it to the English Parliament.

How it passed in the English nation; what opposition was made to it there, and by whom; what subsequent laws were made to strengthen and support it, is not much to the present purpose to examine; histories are full of the particular circumstances, and nobody that knows any thing of what passed in those times can be ignorant of it.

It remained only to make the same provision for Scotland; and the King began to turn his eyes thither, when he was taken off by death; and Queen Anne succeeded, not to his crown only, but to the same care and concern for the public peace, and for the settlement of the nations, by securing the succession of the crown.

But to look into Scotland a little: The Scots received the proposal of the succession with more coldness and diffidence than was expected; and the heats occasioned by the debates on both sides were extraordinary. The opposition made to the continuation of their united state in a successor had a specious and most unanswerable pretence to be made for it, though it was made use of by two sorts of people, with a quite different prospect.

The Scots had been very sensible of the visible decay of trade, wealth, and inhabitants in their country, even from the first giving away their Kings to the English succession; and, as the sinking condition of their nation was plainly owing to the loss of their court, concourse of people, the disadvantages of trade, and the influence the English had over their Kings; so, it was as plain, there was no way to recover themselves, but either better terms of Union and Alliance, or a returning back to their separate self-existing state.

The most considering and disinterested people reflected back upon their easy
complying

complying with the English, and joining with the Revolution, without any conditions made for themselves with England, as a nation; and plainly said, If they had demanded better terms, they might have had them; since their joining at that time, was a thing of such consequence, and upon which so much did depend, that England could not have denied them; and what they had to ask was so reasonable, that nothing in reason could have been objected.

The people who were of this opinion, being some of them, at the same time, as far from embarking in the wrong interest, moved strenuously for a treaty with England, to ascertain the conditions, chiefly respecting commerce, on which they were willing to settle the crown; but were unanimously for refusing to settle it at all, but with such a treaty.

As these gentlemen insisted upon a treaty with England, in case they settled the succession with them, so they considered in the next place of limitations, both in case of failing of such treaty, or in case of its being concluded, in order to preserve the liberties of the people, and to assert the right and power of Parliaments; and one of these limitations was, that in case the treaty did not succeed, then, in the settling the crown, it was provided, the successor should not be King or Queen of England.

And yet I confess it seems plain to me, the design of these people was not against having the succession settled even in conjunction with England, as it now is; and their general behaviour since, confirms this opinion, besides the general character of the men themselves; but their design appeared plainly to bring England over to such terms in matters of commerce, as really it appeared Scotland wanted, and as England ought to grant.

'Tis true, a party joined in this, that were against any conjunction at all, that were against any succession but that of King James, and whose real design was against the general correspondence of the nations, and both sides had people among them who made use of these things, further and further to divide the nation.

Nor did they fail of success, for this was taken very heinously in England, especially by the ignorant kind of people, and they began in England to treat the Scots very coarsely; the writers of the age began to discuss the separate sovereignties, and exalt the titles of either side.

In England, one Doctor Drake writes a preface to an abridgment of the Scots history, wherein speaking something reflecting upon the freedom and independency of Scotland, the Scots Parliament caused it to be burnt by the hangman at Edinburgh. Another English author writes of the absolute dominion of the English Crown over the Crown of Scotland, but he received the just punishment of being little regarded; another writes of the easiness of reducing

Scotland by arms.—Against these Mr. Anderson, Hodges, and others, write of the antiquity, freedom, and independency of Scotland, asserting it in the face of the world, for which books the Parliament rewarded them publicly.

Thus, on both sides, the case stood between the nations; a pen and ink war made a daily noise in either kingdom, and this served to exasperate the people in such a manner, one against another, that never have two nations run upon one another in such a manner, and come off without blows.

The heats on both sides being thus strangely blown up, and the people of either kingdom beginning to run into excesses,—just in this juncture, as if the nature and necessity of the thing had driven both nations to it, the Queen proposes to the respective Parliaments a treaty of Union to be begun between the two kingdoms; this was in the year 1702; the well-wishers to the nations peace earnestly longed for this Union on both sides; but I cannot say that they had equal expectations of it, as times then went.

It was the first year of Her Majesty's reign, and the administration of things being then in hands in both kingdoms, which her Majesty afterward thought fit to change, there is not so much wonder why this treaty came to nothing.

There had been obstructions to the design in Scotland, where things were yet carried with more jealousy of the English Court than afterwards they saw reason to do; this occasioned a protest from one sort of gentlemen against the Queen's naming the Commissioners to treat;—but even the very gentlemen who protested, thought fit afterwards to come in to the Union, as it was proposed, and had no small influence in the success of it.

The success of the Union, no doubt, depended upon the choice of the persons appointed to treat, and this depended very much on the representation of the Ministry in either nation to the Queen. As to the Ministry in Scotland I shall say nothing, the gentlemen nominated there might perhaps have come into measures for a treaty well enough, most of the former treaters being the same as afterwards finished it;—but the design of the Ministry in England seemed to act upon measures not so consistent with the true intent and meaning of the treaty as could have been wished.

Again, the jealousies on both sides about church affairs, in respect to the Union, were the ground of such difficulties as nobody could surmount, and lay as a secret mine, with which that party who designed to keep the nation divided, were sure to blow it up at last, and therefore knew that all they did till that point was discussed signified nothing; and that whenever they pleased to put an end to it, they had an immediate opportunity.

Without therefore entering upon such just reflections as I might very well be allowed to make upon the several persons and parts acting and acted in that,

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I had almost said sham treaty, I may place the whole miscarriages of it very justly upon this one particular; viz. that the affairs of religion were left to the absolute determination and appointment of the treaters, and this might have instructed any body that this treaty would come to nothing, since it was morally impracticable that the nice article of religion, as it particularly then stood between the two churches, could have been settled to the mutual satisfaction of both kingdoms by a Commission, in which there was not one person deputed or named by the church, or instructed by them to enter upon the several articles of a treaty on either hand.

I know it has been said, and perhaps there may have been some truth in it, that the article of religion was to have laid passive and dormant, and neither side was to have concerned themselves about it, by which some would have had it understood, that either side was to remain in the condition they were then in,—and that this was the meaning of the words of a certain person, who when he was asked, what care was taken of the church in that treaty, replied, “for God’s sake, let us have no more of that jargon.”

I confess, it is a charitable construction of the words, to say, the author only meant that things should be left to stand as they were, and the treaters should have no other concern about it;—but I presume those people hardly considered that then the establishment of either church had been left intirely to the future disposition of a British Parliament, who, whenever they were governed by a majority on this or that side, might have overwhelmed intirely the Scots settlement, and erected episcopacy upon them, or *vice versa* with the church of England: And I presume neither church would have thought themselves safe upon such a foundation; I am sure, they would not have had reason to have thought so.

Such a precarious Union must needs have begot future convulsions in both kingdoms; and if we may judge by what has happened since, the treaters would have met with but very ordinary reception in Scotland when they came home; and the abandoning the church to the mercy of the Parliament, which was in effect, giving her up to the church of England, would certainly have inflamed the whole country.

It is therefore the much kinder reflection to say these gentlemen never designed any Union at all, since to suppose the other, would be to suggest that they designed to give up their native country to a bondage in matters religious, which they knew was intolerable to their country, and to lead them by the hand to an inevitable breach between the nations.

For this reason I say, that treaty was never sincerely designed; if it was, it must reflect either upon the understandings, or upon the integrity of the persons concerned.

However,

However, as I am here upon matters of history, and collecting together all that has been done with relation to uniting the kingdoms, as well what was abortive, as what came to perfection; I think this work cannot be complete without giving you the minutes of this treaty also, as far as it proceeded;—but because I would not interrupt the thread of history, I have adjourned it to the Appendix, where you have it at large, as I received it from the hand of a person of honour and undoubted integrity, who was one of the Commissioners to that treaty, and wrote it down with his own hand. The minutes are marked in the Appendix No. 14.

Upon the breaking up of this treaty, three things happened to the further widening the unhappy breaches between the nations, which however they discovered the furious temper of a party of men in both kingdoms, ready and forward to inflame us, and involve both nations in blood, yet their evil design had this happy issue, that it brought the nations to the crisis which inevitably brought on the great treaty; it put us all into such a condition, that nothing but a treaty for a nearer Union, or a bloody and irreconcilable rupture, could be the consequence.—And this I take to be a moving argument, which in the judgment of the Ministry made the treaty of Union absolutely necessary, and thus the greatest good came out of the greatest designed evil.

The first of these was the affair of Captain Green and the ship Worcester. An English ship called the Worcester, of London, Captain Thomas Green Commander, homeward-bound from the East-Indies, put into Scotland, whether by contrary winds, or for convoy, or on what other occasion is not to the purpose.

The African Company there having a ship formerly seized by the East-India Company in London, as she was fitting out in the river of Thames, and for which they had in vain solicited restitution, they obtain of the Government a power to seize and stop this ship by way of reprisal.

Accordingly, the ship was seized on, and brought into Brunt island, and some time passed while the ship lay under such circumstances.

During this time some of the ships crew, whether in their drink, or otherwise, let fall some words, implying that they had been pirating, and particularly some very suspicious discourses, intimating that there had been blood in the case.

This prompted further enquiries, and at last a plain and particular information was procured, that this Captain Green, with this ship Worcester, had met with a Scots ship commanded by one Drummond in the East-Indies, had made a prize of the ship, and murdered Drummond and all his crew.

These suspicious and dark speeches were so taken hold of, and traced, that
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at last it came upon the stage, and brought Green and his ships crew into the course of public justice ; and after a very long trial, they were found guilty of piracy, robbery and murder ; and particularly the Captain and five more were condemned to die for it, and the Captain with two more were accordingly executed.

It is not the work of this book to relate that story at its full length, but I cannot pass it here without a short abridgment of the proceedings ; because as Scotland lies under much scandal on this account, which, as to the methods of public justice, I think she does not deserve ; so the clearing up that point, and the relation it has to the present subject I am upon, I think will come out hand in hand ; and for that reason I engage in it.

Some of Green's men, either in their anger, or their cups, or both, having let fall words that rendered him very much suspected of having been guilty of great villanies, they were further watched in their discourse by some that had taken hold of their words, particularly two negroes, one Haines, and another, who, it seems, being disgusted at the Captain, frequently let fall such expressions as gave the hearers reason to suspect there had been great villanies among them. These speeches are all to be seen in the depositions of the witnesses, (too long to repeat here) and particularly in the printed trial, to which I refer.

I shall not take upon me here either to condemn or acquit either side ; I know the world is divided on the subject ; some will have Green and his crew to be guilty of all that is charged on them ; others say, the company carried all against them, that they might have a good pretence for confiscating the ship. But be that as it will, it is most certain the folly and imprudence of the men hanged them, to say no more.

From a little to more, from dark expressions they fell to downright quarrelling, and calling one another names, which there seems to be good reason to believe, might in part be true on both sides, for some of them, however innocent of this matter, had been, it seems, guilty of wickednesses of other sorts, black enough.

This folly of theirs came at last to such a height, that it could be no longer concealed, for it became the public discourse, that they had been guilty not of murder and piracy only, but of uncommon barbarities ; and not that only, but that it was particularly on a Scots ship, and Scots men, viz. Captain Drummond, as aforesaid.

At length it was brought to the ears of the Government, and as the public justice of all nations is obliged to take cognizance of such horrid things as were here suggested, the fellows were examined, and they frankly confessing, Green and five of his men were taken up. The positive evidence were only two ne-

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groes, but others so corroborated what they said, and circumstances concurring, to make almost every body believe the fact, at least in that hurry, they were, upon a long hearing, severally found guilty of piracy and murder.

There are sometimes such crisis, such junctures in matters, when all things shall concur to possess, not a man, but even a nation, with a belief of what, at another time, they would not believe, even upon the same evidence; and, in this man seems actuated by a kind of supernatural influence, as if invisibly directed, to bring to pass some particular thing pointed out by Providence to be done, for reasons of his own, and known only to his inscrutable wisdom.

Just such a case this seemed to be; the circumstances of Green and his crew were very unhappy for them; their being put into Scotland, where they had no manner of business, no distress to force them in; their being seized by the Company, the men's falling out among themselves, and being the open instruments of detecting, what no one ever could have charged them with; their staying there when they might have gone, and had no more business there, from whence some alledge they had no power to depart; these, and more concurring circumstances, which were observed by the most curious, and some of which were noted upon the trial, seemed to jump together so visibly, that all people seemed to acknowledge a wonderful and invisible hand in it, directing and pointing out the detecting some horrible crime, which vengeance suffered not to go unpunished.

Nor was this the sense of a few, but generally speaking of the whole nation, I mean of considering people, and such as usually notice such things, and particularly of many of those who cried out loudest of the matter, when it was too late to apply any remedy; in which, I cannot but think, they acted unkindly to their country, and indeed very unjustly, since, when the conviction of such circumstances was on the minds of the people, it is no wonder the men were found guilty by the jury; and I persuade myself, they themselves would have done the same.

On their being found guilty, they were not immediately executed, but several applications were made to England for their reprieve; the Council of Scotland reprieved them for some days; and as some people began then to object, that the evidence was but too slight, and that there was but one witness to matter of fact, and that the one witness was but a negro, that he was not capable of the impressions of the solemnity of an oath, that there was malice in it, and the like; on these, and on other considerations, the Government was so tender of the blood of the men, that some have thought they had not died but for the rage of the common people, who, hearing that they were further to be reprieved, got together in an unusual multitude, on the day appointed for their execution, crying out for justice.

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And this part of the story is the occasion of my relating so much of it, since the tendency it had to inflame the nations one against another began here.

On the day appointed for execution, the Privy Council was set, and the Magistrates of Edinburgh were called to assist; where the point was debated, whether the condemned persons should be executed or no? I will not say the rabble influenced the Council in their determinations that way; but this is certain, that the discontent of the common people was very well known; and that they were furiously bent upon some violent methods was very much feared; that a vast concourse of people was gathered at that instant in the Parliament Close, at the Cross, at the Prison, and throughout the whole city; that they publicly threatened the Magistrates, and even the Council itself, in case they were not brought out that day; and some talked of pulling down the Tolbooth, which if they had attempted, they would have sacrificed them in a way more like that of De Wit, than an execution of justice.

However, it was the Council determined the matter, that three of them, viz. The Captain, Thomas Green, John Mather, and James Simpson, who were thought to be principals in the murder, should be put to death that day.

When the Magistrates of Edinburgh came out, they assured the people that they were ordered to be executed, and that if they would have a little patience, they would see them brought out; and this pacified them for the present.

Soon after the Council breaking up, my Lord Chancellor came out, and driving down the street, in his coach, as he passed by the Cross, somebody said aloud, "The Magistrates had but cheated them, and that the Council had reprieved the criminals:"—This running like wild fire, was spread in a moment among the people; immediately they ran in a fury down the street, after the Chancellor, stopped his coach just at the Trone-Church, broke the glasses, abused his servants, and forced him out of the coach; some friends that were concerned for the hazard he was in, got him into a house, so that he had no personal hurt. It was in vain for his Lordship to protest to them, that the men were ordered to be executed; they were then past hearing of any thing, the whole town was in an uproar, and not only the mob of the city, but even from all the adjacent country was come together. Nothing but the blood of the prisoners could appease them; and had not the execution followed immediately, it cannot be expressed what mischief might have happened.

At last the prisoners were brought out, and led through the streets down to Leith, the place of execution being by the laws appointed there for crimes committed upon the sea.—The fury and rage of the people was such, that it is not to be expressed; and hardly did they suffer them to pass, or keep their hands off them as they went, but threw a thousand insults, taunts, and revilings.—

They were at last brought to the gibbet, erected at the sea-mark, and there hanged.

Nor can I forget to note, that no sooner was the sacrifice made, and the men dead, but even the same rabble, so fickle is the multitude, exclaimed at their own madness, and openly regretted what they had done, and were ready to tear one another to pieces for the excess.

This was not acted there with more fury, than it was with the utmost indignation resented in England;—still I am to be understood of the common people; for the Government of neither side had any resentment or dispute, all things having been carried on by legal methods, process, and trial, according to the form of law, and usage of the country.

But here was new matter for the enemies of both nations to work upon, and too much fuel was thrown into the fire of national contention on both sides.

In Scotland, it was said, the Court of England would protect them, and they would be pardoned, only because they were Scotsmen that were murdered; and the like.

In England, it was said, the rabble had cried out to hang them, because they were Englishmen; that they had said, they wished they could hang the whole nation so, and that they insulted them, as they went to execution, with the name of English dogs, &c.

Never was such an unfortunate circumstance to exasperate the common people on both sides, and to fill them with irreconcilable aversions that might prepare them for blood; and if in England it had gone a little higher, it would not have been safe for a Scotsman to have walked the streets.

Certain it is, that though the men had been innocent, for that was now alledged, yet, as they were condemned by a due course of law, tried, and executed by the common form of justice in that country, and in the same manner by which their own subjects were tried and executed; the fault must lie in the witnesses, and the jury that believed them; but there could be no pretence to make it a national quarrel at all.

That in England it had been but too frequent to try and condemn innocent men; and that, if evidences swore the fact, it might be the misfortune of any innocent man to fall under such a disaster. The crime lay in the villany and perjury of witnesses; but the nation could not be quarrelled on that account.

But still these things left a corroded mass of ill blood in the minds of the people on either side; and, as improved by the malicious fomenters of our divisions, they were very unhappy at that time.

To exasperate the people yet more, it was reported, that Captain Drummond was yet living, that neither he, nor any of his men, was ever touched
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by Green or his crew, and some seamen who landed in England, made affidavit directly contrary to the evidence that hanged them.

I shall no farther enter into the merits of the case, than serves to the matter of national heats: The thing was generally thought to be a hasty execution, but the argument, that it ought to be no ground of a national quarrel prevailed in England, and the rest of the prisoners in Scotland were reprieved from time to time, and at last let go.

In both these cases, the mischiefs of tumult and rabbles is to be observed, and how easy it is to set nations on a flame, by the violent fomenting the passions and humours of the people, and how much those sort of men are to be detested, who blow the coals of strife and dissention in a nation, prompt the fury of an enraged multitude to fly in one anothers faces, and insult the laws and Governments of both countries at once.

The end of this account is to make out what I at first noted, concerning the causes which wrought these two nations up to such a necessity of an Union, that either it must have been an Union or a war; the animosities on both sides being raised to such a pitch, that they could no longer have remained in the usual medium of peace. Nor was this unhappy story the least cause of the growing aversion between us, which was now come to a very great height.

The fourth head, to which I ascribe the growing alienation between these two kingdoms, was the Act of Security in Scotland.

This act made a great noise in the world, and was magnified in England to such a height, that it was looked upon, as in effect, a declaration of war, to commence at the Queen's demise; and however designed, was effectually made so, by what after happened.

The Marquis of Tweeddale was High Commissioner to this Parliament, a person of extraordinary temper, candor and modesty.—The matter of the succession had in the preceding Parliament been rejected, on this supposition, that it was not prudent for Scotland to join with England, except such conditions of commerce and navigation were first obtained by treaty with England, as were just and honourable for Scotland; and abundance of honest gentlemen, who were far enough from so much as being suspected of favouring the Jacobite interest, joined together in this demand; they were willing to come into the succession, provided they had such and such conditions, as they thought were reasonable to be insisted on in behalf of Scotland, among which the liberty and freedom of trade to the English plantations was one.

There were many very learned debates in the preceding Parliament upon that head; great and popular speeches made on the subject; and the Act of Security,

rity was offered, and voted, but could not then be passed, for things began to run high in the Parliament, which occasioned a recess.

This was taken in England in a most heinous manner; and nothing was now talked of there, but the Scots buying arms and ammunition, training and exercising their men, and mighty things were suggested in England, which the Scots might do, and sometimes which they would do; the printed news-papers gave a most formidable journal of the Duke of Athole drawing out his Highlanders, encamping three days with seven thousand men, how armed, how well officered, and the like; another paper told the world of sixty-thousand men in Scotland, armed and trained, and ready to take the field.

However absurd these things were, and that wiser men, who knew the state of Scotland, saw there was nothing in it, but what every nation in the world would have done in the like case, that it was neither more nor less than arming their militia, and putting them into some order, which for several years past had been intirely neglected; yet I say, however absurd the suggestions were, they were improved in England to all manner of extremes, and some most ridiculous excesses were run into, both public and private.

It is no doubt, but as Scotland was acknowledged to be independent, whatever the forward pens of our politicians would have pretended, yet I say, being acknowledged independent even by the English Parliament, it was a very material thing to have her concur in establishing the succession of the crown, on the same person as England had done.

Two things moved in this affair on the English side:

1. Some would not have it done at all, and therefore were for irritating the English against the Scots, that it might come to a rupture instead of a settlement; and this, by putting it upon Scotland to declare, without a previous treaty, which they knew would never be accepted.

2. Others would gladly have had the Scots come into the succession, but were willing to have them do it without any conditions, thinking that Scotland ought still be kept low, for fear of their principles, which lead them to be no friends to the English church establishment.

Both these cried out, and exclaimed at this Act of Security, and represented it to the world, as if the Scots were going actually to separate from England.

There was one clause in the Act of Security, which intirely excluded the successor to the crown from governing both kingdoms together.

This the enemies of Scotland presently represented in England, as a design to restore King James, and a great many honest people were brought in to believe that the Scots, even the Presbyterians themselves, were so alienated from England, and so obstinately bent against joining with her on any account, that they would never again be under the same head, nay, that they would rather league themselves with France, and restore King James, than come to

any terms with her. And this was, as it were, confirmed, when the Scots, subſequent to theſe things, paſſed an act for trading with France, though, as their circumſtances then ſtood, it was very neceſſary to them.

Nor was this run to any thing leſs in England, and they began to talk loudly there of forcing the Scots to the ſucceſſion; but this was by ſuch as either coveted a breach between the two nations upon any terms, or really did not underſtand what they ſaid. The latter appeared by their printing ſome pieces to prove the right of the Houſe of Hanover to the crown by ſucceſſion; a thing all people, that know any thing of the affairs of Europe, know it was not the foundation upon which the preſent eſta bliſhment pretends to be built,—but on that much ſafer, and much more divine right of the Engliſh Conſtitution, and Scots alſo, I mean parliamentary limitation.

Things ran very high now in both nations; the meaſures taken in Scotland ſeemed to be very well grounded, and their aim well taken; for either England muſt comply with Scotland, as to ſuch treaties as were reaſonable, or elſe ſhe might have the ſatiſfaction to ſee clearly, Scotland by this act was placed in an intire ſeparate ſtate from her;—who ſhe would join with; what prince ſhe would bring in; where ſhe would beſtow her crown, was not to the purpoſe. Two things ſhe had made plain:

1. That ſhe was reſolved to have it wholly in her own hands, to beſtow as ſhe thought fit.
2. That wherever the Engliſh crown was beſtowed, the Scots crown ſhould not, without conditions firſt obtained.

This effectually ſettled and declared the independency of Scotland, and put her into a poſture fit to be treated with, either by England, or by any other nation.

Nor did the apprehenſions which this gave the world of the Scots deſigning to reſtore King James do her any diſſervice; for though nothing is more certain than that the Jacobites, as they are called, conceived great hopes from theſe things, and flattered themſelves exceedingly, that the return of their King, as they called him, would be the effect of all theſe breaches; and therefore fell in heartily with all theſe things; and, as far as poſſible, carried on the averſion to a ſettlement with England: Yet it is as certain that the gentlemen, who mainly carried on this project, had no more eye that way, than to the Great Turk; but were ſincerely bent to the proſperity of their country, and the eſta bliſhment, both religious and civil, as fully appeared afterwards, by their heartily purſuing the treaty that followed.

The drift of the whole matter was, the bringing England to terms, bringing the Engliſh nation to a treaty; and though it is confeſt that the proſpect was remote and melancholy, England at the time being averſe to any ſuch thing;

yet as these gentlemen saw there was no other way to redeem Scotland from the discouragement she then lay under, with respect to the absence of her Court, the dependence of her gentry and nobility, the limitations and restrictions of trade, which, by the Act of Navigation, she was fettered with, and several disadvantages her present conjunction, which was made without any treaty, laid her under;—therefore they stood strictly and resolutely to their measures; and the more the Court in England pushed at her joining in the settlement, and used all possible means to bring it to pass; the more averse they appeared, and the farther they went off from it.

Thus I say this Act of Security, being only attempted in the first Session of Parliament, was perfected in the next; and every day further and further advances were made seemingly to an entire and lasting separation of the kingdoms from one another.

There were other steps made to this on both sides, as to matters of trade, as shall appear immediately.

England, who was all this while under a very unhappy conduct, and acted upon quite different foundations from what we have seen her happily brought over to since, took the worst measures upon the Scots proceedings then, that ever a wise people could have taken; for the English Parliament sitting soon after, viz. 1704, the Scots Act of Security came to be considered; and however influenced by a precipitant party, God only knows, they passed an act, in my opinion, the most impolitic, I had almost said unjust, that ever passed that great assembly.

This was that act of Parliament, intitled, *An Act to prevent the mischiefs arising to England from the Act of Security in Scotland*. In which they in a manner declared open war with Scotland, unless by the 24th of December, the next year, they should settle the crown in the same person as now settled in England; for they appointed twenty-four men of war to be fitted out, to prevent the Scots trading with France; declared the Scots in England aliens, and several other articles, as in the act itself may more at large appear.

This was done in that famous Parliament called, *The Tacking Parliament*, and it was the less to be wondered at, because, (which is the subject I am at present upon,) the heats between the nations, which were at this time improved by the parties on both sides, were risen to a very great height; all things tended to exasperations and provocations; no man of temper seemed to shew himself on either hand; and those who bore the least regard to the general good of both kingdoms foresaw nothing but an unavoidable war between us; and indeed had matters stood thus but a very little longer, it had been impossible to have avoided it, and that in a most unreasonable time for Europe, which was then engaged

engaged in the most furious and most critical juncture of the war with France, being the year before the battle at Blenheim.

Thus the party in Scotland, who had laid their scheme, in hopes that England would have come into measures for the general good, saw themselves disappointed; and though it is true that, had England then seen with the eyes of her national understanding, and had she not been ridden by a party, who openly pursued the ruin of her very Constitution, I mean as established on the Revolution principle; I say, had she not been under that unhappy influence, she had taken other measures; yet, as it was, nothing was to be expected.

However, the gentlemen in Scotland happily resolved to wait for the issue of things, and firmly adhered to their new scheme. Scotland began to be talked up in the world a little; and these very enemies, who, as they thought, wounded her, by talking up the mighty formidable things this Act of Security might produce, really raised her reputation; nothing was more absurd than their alarming England at the chimeras of their own heads; such as Scotland buying 30,000 stand of arms in Holland; laying in 10,000 barrels of powder; arming 60,000 men, and the like. All which, in reality, was nothing at all but mustering their trained bands, as they call them in England, and buying about 500 barrels of powder for the Castle of Edinburgh. In their alarming England, I say, at these mighty things, they really raised the reputation of Scotland in the world, and made her begin to make a different figure in the eyes of other nations; and, there is no doubt, had things gone on to a rupture, as wicked men on both sides wished, and good men began to fear, Scotland might have found some powerful princes willing to have accepted her crown, and to have in the mean time supported, supplied, and encouraged her to stand upon her own feet.

But I shall do the gentlemen who managed this affair this justice, that I believe they had it not at all in their design, to fly to the protection of any foreign power, no, not to any Protestant power in Europe, unless forced to it by the precipitant measures England was then in all probability going into; and, if they had done it then, I can not see how they could have been blamed.—But as to the present state of things, the gentlemen who managed this part seemed to me always to aim at obliging England to give them good terms, and to put themselves in such a posture in the world, as should make England see it was worth their while to do so, as well as that they ought to do so. And this was so just a step, and the aim so well taken, as by the consequence appeared, that, I think, it is the greatest panegyric that can be made on these gentlemen, to say, they brought to pass by it all the great things which God, in his providence, has thought fit to do towards our peace and happiness in this island.

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If they did not design this, or had not this honest aim in view, they less deserve the praise ; but it is evident, Providence made their measures instrumental to bring it to pass.

Thus stood the affairs of this island, at the end of the year 1705, when the aversions between the two kingdoms, by the several steps I have noticed, was come to a great height ; the people seemed exasperated against one another to the highest degree ; the Governments seemed bent to act counter to one another in all their Councils ; trade clashed between them in all its circumstances, and every Parliament run further and further into the most disobliging things that could be : England laid a new impost upon Scots cloth ; Scotland prohibited all the English woollen manufacture in general, and erected manufactories among themselves, which, had they been prudently managed too, might have been very advantageous to them ; but of that by the way. Scotland freely and openly exported their wool to France, Germany and Sweden, to the irreparable loss of the English manufactures, having great quantities of English wool brought into Scotland over the borders, which it was impossible for England to prevent ; so that the famous trade for wool to France, by Romney Marsh, commonly called Owling, was entirely dropped, and France not supplied only, but glutted with wool.

On the other hand, England was proceeding to prohibit the importation of Scots cattle, and to interrupt by force their trade with France ; and had this last proceeded to practice, all the world could not have prevented a war between both nations.

But more prudent counsels prevailed, and God's providence unravelled all these schemes of destruction, which madmen had drawn for the ruin of their native country ; and as many times things evil in their design, are overruled by an invisible hand, and bring to pass that very good, which they were prepared to destroy, even so it was here ; for these confusions were the very things that brought both the nations to their senses, I mean, brought them both to better temper ; the consequences of a bloody war just breaking out in the bowels of their native country, in the ruin and certain desolation of which they must necessarily have a great share, opened the eyes of the most thinking people on both sides, even of those who in themselves had no real inclination to the conjunction of the kingdoms, and thus the necessity of taking new measures began to appear both ways.

In England, the weight of the present war, which every day rather increased than decreased ; in Scotland, their declining condition, and disunited circumstances ; in England, the matter of security ; in Scotland, the prospect of advantage, all concurred to sway the inclinations of wise men to heal these breaches.

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I have now shewn by what steps these two nations were brought to the very brink of mutual destruction, and the sequel of the story will tell any body who were the parties that prompted both nations to these unhappy extremes : I shall in the next place a little examine how all this tide of mischief and folly turned, and how they began to come to themselves in both kingdoms, and this will so naturally lead us to the history of the Union, that I cannot think of a more proper introduction.

The party in England who had the reins of the administration in their hands, had given other testimonies than this of their precipitant measures ; and as they had made not this nation only uneasy, but their own too, so, as things generally take new turns, when they come to extremes, the English nation began to be alarmed at the proceedings, as tending to the subversion of all the fabric of Government erected by the Revolution.

The occasion of all this is too long to relate here ; and the history of the tacking the Occasional Bill to the Money Bill in that Parliament in England, is too well known to need any recital. It is enough to say here, that pushing at such hot measures in England, as is usual in all precipitations, like an axe struck upon a hard stone, the blow rebounded, and the weapon flew out of the hand of the unskilful workman ; the project failed, the party overthrew themselves, and never recovered.

The Queen, far from approving the extravagancies they were running things to, and awakened by the danger of her people's liberties, which were as dear to herself as to them, finding to what mischiefs these warm gentlemen were leading her, and being by the goodness of her disposition, as well as experience in the English affairs, particularly averse to things hard or severe upon her people, much more so to all manner of illegal severities, put a full stop to this career of mischief. And though indeed they had brought things to the very edge of destruction, both in England on their own business, as well as in the affairs of the two kingdoms ; yet the Queen immediately shifting hands, and applying with her usual wisdom to the establishing the minds of her people, retrieved this whole affair, restored England to the tranquillity so much desired, filled up her Ministry and all offices of trust, with men of the same candour and moderation with herself, openly abandoned and discouraged the measures of those people who had run things to such excesses, and re-settled the minds of her people, distracted with apprehensions of ruin and party-confusion.

Thus the Ministry in England was intirely changed, the Lord Keeper, Sir Nathan Wright, deposed ; Sir Edward Seymour, Comptroller of the Household, put out of her family ; the Earl of Nottingham, Secretary of State, and several others, laid aside ; the props of the high-flying party, as they were called, were left out of the Council, and removed from their places in the Government.

In the several counties the people's approbation of her Majesty's proceedings, and their joy at this change of instruments, was testified by the universal contempt put upon the affair of the tacking, and of the Occasional Bill, as well as of all hot men and hot measures; and this testified by the change in their elections of Parliament men, a new Parliament being then to be chosen, in which so general an aversion to the Occasional Bill, or any thing invading the toleration, and particularly to the affair of the tack, appeared, that in spite of all oppositions, a great number of the tacking members were thrown out, and such a change of men appeared in the next Parliament, that whereas in the other Parliament, the high-party had a majority of sixty-two, or thereabout, for every thing they joined in; on the first trial of the strength of the House, which was perhaps the greatest that has been known of late years, it appeared the whig-party had the majority by above seventy voices; and these, by the turning out several on the trials of elections, and other circumstances, rose up to be above a hundred; though after they seemed to lose some ground again, but it did not last.

Things being thus happily turned in England, and the first step for the establishing and settling this new party in their seats of management taken, it was wonderful to see the change it made in all the affairs of the nation, how every thing succeeded, unheard of victories abroad, unusual cheerfulness at home, and a new face of prosperity seemed to gild the affairs of the nation; the feuds of parties died in every place; peace, union, and temper, began to be the companion of every society; and the ancient animosities between neighbour and neighbour, between friend and friend, which formerly crept, not into society only, but even into our families, and our very beds, declined apace; the Queen encouraged peace and love, and unity among her people, and pressed the nation to it upon all occasions, and all good men began to encourage it by their examples.

In this general felicity of affairs in England, Scotland came into remembrance; her Majesty, as having an equal regard to the good of all her subjects, and as being justly concerned, not for the change of the temper and condition of her people only, but for the continuance of it to them in ages to come, could not but be solicitous for the removing the obstructions which lay in the way on either side.

When the wisest heads in both nations had been consulted with on this article, though opinions differed, yet no medium could ever be found so effectual to secure this peace, and remove all possibility of a fracture, like renewing the Treaty of Union.

And thus I am brought down to the general article of the treaty, by the mere thread of the story; the feuds of parties, the folly of statesmen, the fury of rabbles, and the general reviving of the old animosities between the people, had been screwed up to a dangerous height, as is noted already, by that very party
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who had on all occasions shewn themselves enemies to the present establishment, and future peace even of both nations; and by this method they thought they had rendered the succession to both crowns impracticable for the House of Hanover, and secured an inevitable rupture between the nations whenever it should please God to remove her Majesty out of this world.

But great are the wonders of inscrutable Providence; these very schemes, contrived in the deeps of infernal malice, brooded on by that party who ever envied the liberty of Protestants, and the tranquillity as well as privileges enjoyed by the people of this whole island, and hatched by the warm influence of a reigning party, by which they flattered themselves, they had effectually overthrown the project of an Union of the kingdoms, made their coalition impossible, and all schemes projected for it impracticable; I say, these very things made way for that same Union, they were calculated to destroy.

The height those measures I have been speaking of was brought to, made, as it were, a force upon both nations to come to this treaty.

It was now but a few months to come, when the nations must directly fall out; English men of war must be fitted out to cruize upon the Scots, and we that consented, or at least did not scruple to have the Dutch carry on a free trade with France, must go and fight with our own brethren for it; whereas, had we been in our trading senses, we would have done it ourselves.

The crisis things were come to now, was such, that they could no longer stand at a stay, but we must fall out with the Scots, or unite with them; all methods to bring them to settle the succession without a treaty had been in vain used by the party before, who would gladly have tricked them into it, but the Scots were too wise to fall into that snare.

The present Ministry were for fairer dealings with them, at the same time wisely concluding, that to gain of the Scots what they ought to grant, it was reasonable to grant to the Scots what they ought to have; and that a treaty with them might be made effectual, the only way was to set about it upon an honest foot, and then pursue it sincerely, and not upon sharpening and tricking on either side, as before.

But there yet seemed to lie one invincible obstruction in the way of this treaty, and that was the act of Parliament passed in England the last Session, which, as before noted, had declared a kind of war against the Scots, in case they did not come into the succession by such a day; and upon the first motion to a treaty, the Scots declared they could not enter into any treaty with England till that act was repealed.

This had indeed a great deal of reason in it, and such as could not be withstood, for the honour of the Scots seemed very much impaired in that act, and that they could not come to a treaty upon equal terms while such a law stood

in force upon them, which seemed as if it had been a sword over their heads drawn to awe them into a treaty.

The Queen, who was resolved, if possible, to bring this great event to pass, and who strove to do it so, as might give all her subjects satisfaction, undertook to clear up this difficulty; and at the next Parliament which met in England, Octob. 23, 1705, in her speech to both Houses, recommended the taking away of this obstruction, by repealing that act, in order to introduce a treaty of Union, which her Majesty saw now more clearly in view than ever before.

I know there were strong struggles in England against repealing this act, and that chiefly without doors, the party foreseeing, that if this step was taken in Parliament, the Union which they really dreaded, would of course come upon the stage; to this end it was represented as dishonourable to make such an advance to the Scots: That it was an insulting of England to have the Scots say, they would not treat with her till such and such conditions were performed;—that this was letting the Scots prescribe preliminaries upon England, and if England complied, it would make them more encroaching.

But the temper in the Parliament was quite different from this; it was plain there that the Scots were in the right to ask this as a preliminary; that the treaty would for ever be subject to this objection; that it was not free, but done under the terror or force of that act of Parliament; that, as it was not honourable for the Scots to have a treaty forced upon them under such circumstances; so neither was it honourable for England to force a treaty upon them; that the act was unreasonable in its own nature; that England could have no pretence but mere violence to intermeddle with the Scots commerce, who were a free nation, and ought to be at liberty to trade with any nation that they thought fit to trade with; that their trade with France was done by their own act of Parliament passed by the Queen, and was not inconsistent with, or contravening any treaty or contract with England; that Scotland was under no treaty of commerce, or under no obligation to trade, or not to trade as England did. That as to the confederacy, and the war in which they were embarked with England, that laid them under no obligation, since the Dutch were in the same confederacy, and yet openly proclaimed a free trade with France; nor did the English pretend to obstruct them in it; that Scotland was as independent of the English Government as the Dutch, and ought to be at liberty to trade unmolested as well as they.

These arguments, backed with an Administration of government now quite recovered from the tyrannical principles of those formerly in power, soon influenced the Parliament to repeal the act, and take this step by way of advance to the Scots, by which they let the Scots see they were in the hands of their friends, that now they might expect fair dealings, and had room to treat with freedom and honour.

This was a great mortification to those gentlemen who had promoted that act, who now, together with their whole party, set themselves with all their artifice to oppose the treaty in all its parts in both kingdoms; to raise scruples, imprint jealousies, misrepresent persons and things, embroil councils, raise scandals; and, in short, to do every manner of thing they could to embarrass and obstruct the treaty; and in the first place to prejudice the minds of the common people against the Union as such. What fatal success they had; how they carried it on, even beyond the conclusion of the treaty; with what difficulties it was encountered; how begun, how carried on, how finished, and how since assaulted, and with difficulty enough preserved, will be the subject of the ensuing sheets.

OF THE
LAST TREATY,
PROPERLY CALLED
THE UNION.

OF THE TREATY IN LONDON.

I AM now come to the great and capital treaty, which has at last, by the blessing of God, been brought to a happy conclusion.

I am not insensible that, in the strange variety of circumstances, changes of prospects, the turns of management, the accidents and niceties, with which it has been carried on, the infinite difficulties the zealous promoters of it met with, the restless attacks of a strong party to disappoint it, who never gave over their struggle; no, not even after it was done: In this labyrinth of untrod paths, I may easily misplace some things, and omit others; and I cannot but introduce my account of it with this caution, that, though I believe no man can have collected with more care, nor has had the opportunity to remark things with more advantage, having been eye witness to much of the general transaction, and furnished, by the best hands, with every most secret affair in the carrying it on; yet many minute things may have passed my pen, which it is impossible for me to atone for, but by making this proviso, that the reader may be assured nothing material can have slipped me; and I have used all necessary caution to furnish myself with the whole truth of fact, whatever omission of circumstances I may make an apology for.

I have already related the issue of the treaty begun the first year of the Queen, and made my observations of the reason of its miscarriage. It may be observed that, her Majesty understanding the true reasons of the disappointment, which it was thought lay in the persons treating, particularly on the English side, whose disposition to finish it for the public good, it was supposed, did not appear at all to her satisfaction, in which I have farther already explained myself, obtained a

a new

a new act of Parliament in England, and the like in Scotland, empowering the Queen to appoint Commissioners on either hand, to treat of an Union between the two nations:

And here it is necessary to observe, how well the ground-plot of this work was laid, that all obstacles might be removed, which might threaten it with another abortion: It had been noted, that the most dangerous rock of difference, on which this Union could split, and which could now render it ineffectual, was that of religion: Here it was certain they could never unite, and the breach therefore being irreconcilable, the best course that could be taken with it, was to let it quite alone, as a thing neither side should meddle with at all, and consequently the jealousies and suspicions on both sides must vanish, and the great obstructions which the enemies of the treaty relied on for its miscarriage were at once removed.

This was a master-piece of policy, and shewed that her Majesty had other persons to consult with, and had taken other measures than before; and gave people very early impressions of the success which has since appeared.

But there was yet some political difficulty to pass; and here, being to tread truth almost on the heels, those readers that are willing to have it told plainest must excuse me for naming people's names. I have avoided, on all occasions, the mixing satire and reflexion in this relation, as much as possible.

The political difficulties I speak of here, and which I think gave the greatest shock to this affair, consist of two parts,

1. Succession. 2. Nobility.

The vehemence with which the several parties, who managed these topics, acted their respective and exceedingly remote prospects; and by what strange mystery concurring Providence, like the wheel within all their wheels, centered them all, in uniting the nations, as it is a secret history few understood, and may be as necessary as diverting; so the heads of it may be viewed in the following scheme.

1. The Succession being the main thing that lay at the bottom of every one's project, I shall first speak to the particulars of that.

There was a party in both kingdoms, but most powerful in Scotland, whose design was principally and directly against the Protestant succession, as such; these we must allow to be setting every wheel at work, and acting with all their power and policy against every thing which looked that way.

When they saw it convenient, they acted against an Union in its general term, and frequently some of the less politic of that party let fall the excrescence of their principles, in direct terms, and pamphlets were wrote upon that scheme; such as one shewing the necessities of a war with England, &c. another shewing the advantages of an Union with other nations, and France in particular; others argued continually the mighty terms, and the advantages of commerce,

Scotland

Scotland might obtain from France; and not only proposed them as equivalent to the trade with England, but run on to such weak extremes, as to say, that Scotland made no advantage of her commerce with England.

But these may well be said to be the less politic part of these gentlemen, who were in the design above; for they lost ground, even against the Union itself, by it; and when the Committee of Parliament, appointed to examine the exports and imports, reported; That Scotland exported to England above 200,000 pounds sterling per annum, in linen, cattle, &c. the imports from thence appeared so small, that the objectors dropped their arguments upon that head; and learned to talk with more caution.

But the more subtle managers of this design against the succession, went on by different measures, and with great policy they acted every party, as far as they thought they could be brought in to be subservient to their design.

Thus first seeming to quit their direct opposition to the succession, as a thing too open, and too much clashing with the temper of the time, they fall in with that party, who were for the succession with limitations; not that they would have concurred with the event, had these limitations been never so great, but that, in their debating the limitations, they might find room to clog the succession itself, in such manner as the other party could by no means accept of it.

From the same principle proceeded that famous resolve in their Act of Security, by which the succession met with two invincible obstacles, from whence they knew, some time or other, new disputes must arise, 1. That no successor at all should be named, till after the Queen. 2. That when it was named, it should be with this limitation, that it should not be the same that should succeed to the kingdom of England.

This was a master-piece of policy, and had the most specious pretence in the world, viz. The hardships which Scotland had suffered under the influence of England in matters of commerce and sovereignty; and therefore it was added immediately upon the said clause, "Unless that in this present Session of Parliament, or any other session of this, or any ensuing Parliament, there be such conditions of government settled and enacted, as may secure the honour and sovereignty of this crown and kingdom; the freedom, frequency and power of Parliament; the religion, liberty and trade of the nation from English, or any foreign influence." See the Act of Security printed in the Appendix to this work, No. 1.

The running things to this height in Scotland, put every party's measures to a full stop; the gentlemen who were against the succession in general, and of whom I am now treating, had most effectually carried their point; for as they presumed England could never come in to such a treaty as they demanded, so they had effectually foreclosed the succession of Hanover, by determining, that the successor of England and Scotland should not be the same.

And

And it is remarkable to note here, how universally all those gentlemen, whose aim was against the succession, fell in with those whose design was only to have advantageous terms from England for it.

But this very point gained, brought about the main work ; and the contraries that concurred in this act, though from clashing interests, by the strange circulation of causes, worked all together into another extreme, which none of them designed, and that was the Union.

Upon the passing the Act of Security, England grew very uneasy ; and not to mention the common apprehensions of the people, nor how, and by whom they were increased and fomented, the act of Parliament passed, intituled, “ An Act “ to prevent the dangers arising from the Act of Security in Scotland, &c.” is a demonstration of what the tendency of these things would be ; for this act, which I have also, for the better understanding of the story, abridged and printed in the Appendix, No. 2. brought both nations under the necessity of a war by the Christmas following ; the English being then obliged to fit out a fleet, to interrupt the Scots commerce, if their Act of Security was not repealed.

Things being brought to this extremity, the only remedy that those who wished well to both nations could contrive, was to revive a treaty of Union, and set heartily about it,—and the first step the Queen took towards it, was to propose it to the Scots Parliament, who voted,—that they could enter into no treaty of Union, till that act of Parliament mentioned above was repealed in England.

Though this was a very bold resolve, yet the Queen, who saw some reasonableness in it, managed things with so much wisdom and moderation ; and the Parliament, who saw with differing eyes from the other, and was of a quite differing temper, found something so severe and so hard upon Scotland in that act of Parliament, that they made no difficulty to make that step in advance to Scotland.

Upon this foot turned the first appearance of the Union ; now let us see how the parties managed themselves on all sides.

The inclination on both sides to an Union, however afterwards managed, seemed so universal, that the party I am speaking of, thought it was not proper to appear against it directly ; but acting still under disguise, they puzzled the cause, first, with the wild debate of a federal Union, or an Union partial and imperfect ; and thus they fell in with the party who were for the Union, not that they had the Union in their design, but because they thought the thing impracticable in itself ; that it would make the people sceptic in Government ; and that so it would certainly miscarry, and the succession would be lost that way.

Accordingly the limitations were by secret influence opposed, and the scheme

of succession laid aside to go upon the chimera of an Union, as they thought it to be ; and I could be very merry with some gentlemen here, upon the banters and jests they always treated the scheme of an Union with, as a thing they little thought would ever be licked into any shape, or ever obtain upon the nations to pass into a law.

Thus I have brought the remotest party, who were downright enemies of the Union, to fall into it ; from whence, let their design be what it will, I must tell them, they did it this service, that it made the Union very popular, however it came to be otherways afterward.

I come next to the difficulty about nobility, and this worked in to an Union, by, as it were, a natural consequence ; for the antient nobility finding their sway with the people lessened, and their power, as well as their honour, eclipsed by the crown daily creating numbers of what they called upstart Lords, were easily engaged in limitations, to prevent their future Monarch's encreasing the numbers of their rank, to the diminution, as they took it, of the antient families.

But when they came to consider the scheme of distinction made for the representing the nobility in a British Parliament, they were the more easily brought into the Union, as an effectual step to prevent the reducing their honour, by multiplying their numbers, and as a thing which would seem to distinguish them from such of the modern nobility, which they reckoned already a burthen to them.

Next, among the Whig interest, and who were really honest in their designs for the general good, were yet two parties.

One party, without reflection on any, had taken a just umbrage at the growing power of a certain great man ; and as they had reason to ward off personal resentments, in case their figure was diminished ; and having their true interest in view, together with the public good, esteemed it their good fortune, to have them both stand upon one bottom ; and these gentlemen came heartily and honestly into the measures of the Union.

Another party were for the succession limited, &c. but not for the Union ; these brought the former first to them, thinking they would rather be for the succession, and lay by the thoughts of the Union ; but finding them intirely for the Union, they fell in together.

The view of the Court in England was plain, viz. For the succession at any rate ; and therefore, till this juncture, they had espoused that party in Scotland, who were for the succession, though with limitations ; and this the more easily brought those gentlemen into the Union, since there they secured the succession, and had the English limitations confirmed, which they knew and acknowledged were better than their own.

Thus the two Whig parties joined, and the Duke of Queensberry, who had, in concert with her Majesty and the English court, removed all the seeming difficulties

difficulties on the part of Scotland, appearing publicly for it, the Union, as I have already noted, grew very popular; the Court and the Whig Lords concurred in the general good, the Jacobite interest was abandoned, and the Union grew up between all the extremes as a consequence; and it was merely formed by the nature of things, rather than by the designs of the parties.

Things being brought to this pass, the acts of Parliament passed, and the Queen empowered to name Commissioners; I shall pursue the proceedings in order as they lie before me, and make the needful observations as I go.

The respective acts of Parliament for this nomination, as absolutely necessary to the better understanding of the case, and laying a regular scheme of the whole matter before the eye of the reader, I have annexed in the collection herewith marked.

They that had so wisely contrived the beginning of this work, could not be at a loss to find out proper persons for the managing the treaty in both kingdoms; and therefore it was not long before her Majesty named the Commissioners for both kingdoms, whose names we shall presently come to.

I shall not descend to encomiums on the persons of the treaters, for I am not about to write panegyrics here, but an impartial and unbiassed history of fact. But since the gentlemen have been ill treated, especially in Scotland, upon this very head, charged with strange things, and exposed in print by some who had nothing but their aversion to the treaty to move them to maltreat them; I must be allowed on all occasions to do them justice in the process of this story. And as I must own, that, generally speaking, they were persons of the greatest probity, the best characters, and the steadiest adherence to the true interest of their country, so their abilities will appear in every step taken in so great a work; the bringing it to so short a conclusion, and that in so little time; the reducing it to so concise a form, and so fixing it, that, when all the obstruction imaginable was made to it afterwards in the Parliament of Scotland, the mountains of objection, which at first amused the world, proved such mole-hills, were so easily removed, raised so much noise, and amounted to so little in substance, that after all was granted that in reason could be demanded, the amendments were so few, and of so little weight, that there was not one thing material enough to obtain a negative in the English Parliament.

I cannot but observe here, that even those amendments were not made by reason of any omission in the treaters; but the Parliament found the opposing party to the succession had two handles to lay hold on in Scotland, and therefore in prudence gave way to such amendments as they had the least reason to justify. These two heads, which I call handles against the succession, were,

1. Strength of party, by which they hoped to carry it at once, and throw out the treaty *brevi manu*; and this they endeavoured to form upon a general

dislike, they having blackened it with the mark of a thing dishonourable to the sovereignty and the independence of the nation.

2. If they found that would not do, then to load it with such ridiculous amendments, as they knew would cause it to miscarry in the English Parliament; which they also thought would give Scotland great advantage, and increase the animosities in Scotland against the English, when the rupture should appear to be from England, and the most reasonable concessions of Scotland be rejected by them.

But both these projects failed them; the first was effectually answered by the nature of the thing, and their strength failing them, they found they had cast up their account false, their motion being thrown out by a great majority in voting the first article, as will appear presently.

The second, when they came to examine particulars, had not sufficient strength of reason to support it; all the amendments they could pretend to were so small, that, as above, the Parliament of England never thought it worth their while to dispute them; and the treaters themselves, for the most part, went into those amendments as they were offered.

Indeed this was a disappointment to some people, who made no question, at least, to puzzle the cause, and raise such difficulties as should require a remitting the treaty back to Scotland; and so spin it out in length, that the nations might have leisure to form the separate parties into some order, and raising their friends on both sides, if possible, bring it to a breach. And that I do not pass an unjust censure, I refer the reader, among infinite pamphlets published against this affair, to one very plain and bare-faced author mentioned before, intituled, "The Necessity of a War with England, in order to cure the present Distempers of the Times."

I should do the fomenters of the nation's divisions too much credit to trouble the reader of this with any of their printed oratory against this Union, much less enter into any disquisitions upon the subject of their clamours; but I may, perhaps, touch upon the principal heads of their objections, and let the world know also who were some of the objectors.

When the acts were thus passed, and her Majesty had named Commissioners on both sides, and the work seemed to be going about in earnest, the learned scribblers of the age began to harass the world with their schemes, and all the mountebank statesmen of the times set to work to propose their wondrous methods for curing this antient distemper of the nations, and striving to have it said of themselves, who was forwardest in the great work.

The industry they discovered, had in nothing a greater concurrence than in this, that the whole crowd of writers, with an universal agreement, had the honour to be intirely mistaken; and not one of them had eyes to see to the true interest

interest of the nations ; every man, as in such cases is usual, eyed the respective interests or advantages, as he thought, of the nation to which he belonged, and set himself to work to answer the objections of the other ; defending, arguing, and fatiguing their own heads, and their readers, with the confused labyrinths of their own projects ; but not once touching the true string, which, with a national unison, would have immediately sounded out the harmony of general peace.

Nor am I at all arrogant in saying, they were all so generally mistaken in their notions of what this Union should be, since, as I have said, every one fell to arguing the single and separate advantages of the nation they belonged to ; insisting on their politic notions and wise schemes for their respective advantages ; but, not one, that I met with, ever entered into the true and only notion essential to the Union ; I mean the principle of self-denial ; how far either nation was to condescend and advance to one another, how the present Union consisted, not in gaining advantages on either hand of one and other ; but in abatements, in giving each other advantages, in yielding up privileges, opening the treasures and strength of either nation, to the good and benefit of the whole.

They never dreamed, that to unite, was, in itself, a full and a general retribution for every step taken from one side to the other ; that a new national interest was to be erected ; and that giving or conceding rights, advantages and interests, whether in commerce or in privileges, was losing nothing at all ; but was like a man giving presents to a lady, whom he designs to make his wife ; which is but taking his money out of one pocket, and putting it into another ; or like a man settling his estate in jointure on his wife, which is still his own, and is effectually secured for his posterity.

The gentlemen must pardon me if I tell them, that for want of this true and original notion of Union, they took but too much pains to inform us all, they had neither the spirit of Union in their minds, nor the knowledge of it in their heads ; and this run them upon wild dilemmas, and dark schemes of federations and confederations ; this sent them to Belgia, Helvetia, Polonia, and I know not whither, for examples, for schemes, precedents, and I know not what strange systems of national Unions ; all which, I must take the liberty to say, were as wide from the only step that could make these nations happy, as the east is from the west, tended to nothing but confusion of interests, national jealousies, and in the end war and destruction.

These gentlemen were for making bargains between the nations, not for bringing two great and mighty kingdoms into one vast united body, the same in interest, the same in prospect, the same in every substantial constituting part. The advocates of either people talked like counsellors pleading for their clients,

not like two friends that were striving who should part with most, for the interest and engagement of the love of each other.

In short, the Union has been brought to pass, not by gaining from, but by yielding to one another; not by making conditions and advantages of one another, but by conceding to one another; one part opens the treasures of their trade, the other struggles to bear their share of the weight and burden of expensive and bloody wars; this part yields up one thing, that abates another, and mutual condescensions, not mutual encroachments, have brought this work to pass.

And here lies the great mystery of the Union; they that think strange of the circumlocutions the wisest heads have taken, may find them here; they that enquire into the reasons of former miscarriages, may find them all here. If there was any want of temper; any mutual distrusts; any secret murmurs of parties; any jealousies of consequences; it was all to be found here: That the people who debated these points, never looked beyond the present state; never considered the conjunct capacity of the nations; never drew the balance of interests, or stated the affairs of both nations into one account current.

Had they ever done this, they would have seen that monster, as they called the Union; a most beautiful creature; admirable in its contexture; agreeable in its figure; squared like a most exquisite piece of architecture, both for ornament, strength and usefulness: They would have seen it a compleat circle; all the lines of which were drawn from, and depended upon one general centre—the public good; a mighty arch, every stone of which mutually contributed, not to its private support only, but to the strength of the whole. Here is the true original of the Union; and the wisdom of the treaters on both sides, was in nothing more conspicuous, than that they came to this treaty furnished with the true notions of what they were to do, and consequently, the properest and only method for the doing it could not be concealed from them; and we cannot but observe, that, through all the course of the treaty, the gentlemen kept themselves close to this principle, to yield to one another in every thing, which the nature of the Union they aimed at required, and the nature of the thing before them would possibly permit.

I must confess, to me, all the notions of federal Unions, guarantees, and everlasting peace, which our several writers filled our heads with, while the treaty was appointed, but not yet begun, appeared to me as imperfect embryos, false conceptions, and births that must end in abortions and disappointments. I will not say I had foresight of events enough to prescribe what methods should be taken, or what issue would be produced from the treaty then in view; but this I took the freedom always to tell the world, that it must be a general, compleat, intire and indissolvable Union of interests and parties, depending
upon

upon equalities of privileges, and equalities of burdens; equalities of prospects, and equalities, if possible, in desires; or that it would be imperfect in its parts, and confused in its whole.

I know one reason why this sort of Union was less thought on, than perhaps it would have been, was, because the gentlemen, when they came to examine what had ever been attempted this way, found nothing of a full and intire Union, but that under the conquest of the Parliament times;—and, alas! says one, this must be rendered so odious, because it was the work of a tyrant, an usurper, and what not, that nobody could bear to recommend it; and if at any time a man was driven by the necessity of his judgment, the convictions of his reason, and the consequences of argument, to come to the borders of that scheme, he would start at the hint, as if he had been a specter, and fly even from his own reason, because it concurred with what was hit upon by the man and the people he did not approve.

And why will you go by Whitehall, gentlemen, where so many wicked rebels triumphed over their Monarch? Why will you use the navy; nay, some of the very ships, with which the same Oliver Cromwell beat your neighbours?

If Oliver had not been a master of politics, he had never been Oliver Cromwell in the terms we are now talking of him; and because he hit upon the only step that could be taken to fix the Union of the two nations, must we reject it, and rather destroy the kingdoms, than close with his unhallowed method?

Reason and the nature of things guides all men, whose eyes are open, to the same methods, when they are pursuing the same designs; let Oliver Cromwell be what he will, and who he will, it is no part of my business here; take him in all the blackest figures he can be represented;—what was the end he pursued in his uniting Scotland to England?—It was so to join them, that both parties being made entirely easy, might, without hesitation, submit themselves to his otherwise precarious authority. And was he right in this, that, to give the two nations a free and full communication, both of trade, privileges and advantages, was the true and only way to make all people easy?—So far his project may be good for us, without so much as touching upon the parallel.

The business of the Union was, to make the nations easy, to put them in a state of mutual advantage; if forty tyrants have pursued the method for it, though with wicked designs, it was for us to take the method, and mend the design, as much as we could.

Oliver Cromwell made a conquest of Scotland,—well, and what then?—Let those people, who have talked so much of an Union of subjection, and conquering Scotland, go back thither for a precedent; Oliver Cromwell knew as well what belonged to conquest, as any body in this age will pretend to; nor was he less politic in keeping, than terrible in obtaining; and what did he
 resolve

resolve all his northern conquest into?—Nothing but Union, the best concerted, the best executed, the best approved, that ever this island saw till now; nor could all the heads in Christendom have formed the present happy Union, but from the schemes of those times.

If ever nation gained by being conquered, it was here; they were subdued first, and then made happy; and Scotland flourished; justice had its uninterrupted course; trade increased; money plentifully flowed in, and all under what they called tyranny and usurpation; all under a standing army, Government, and with all the disadvantages that can be imagined from such a constitution, as tended to subjection, not liberty; poverty and misery, not peace and plenty.

And what was the foundation of all this? Nothing but the natural product of common reasoning; he found that the only way to preserve the conquest he had made on the powers of the nations was to make a conquest of their affections; that the only way to do this, was to let them see their interest and happiness in his Government; and that this could only be brought to pass, by uniting and entirely incorporating the nations into one; communicating peace, privileges, and all possible advantages to them; and thereby letting them see the true way to their prosperity.

No man will say this was not the most politic step he could take; and must we condemn the method, because we cannot be reconciled to the man?—Certainly if Union and incorporation of interests was able to make the nation happy, under a standing army, and an absolute Government as that was (things, in their nature, inconsistent with liberty and national prosperity), it must be much more capable under a just and limited Government, where law governs the very actions of the sovereign, and all the branches of power are squared by, and sincerely employed for the public good: and it can be no lessening the value of any true scheme of national management, that a person used or contrived it, that we call a tyrant, or an usurper.—Let him be ever so much a tyrant, he shewed he had the true spirit of Government in him by this; that he knew the only way to make his Government safe was to make it easy; and to have the people quiet, was to make them happy; and this he did by Union, an intire incorporated Union;—and the event proved his measures were rightly taken.

Our end is now the same, though our views are differing; to make the people happy is the end:—If Union be the way, why is it to be liked the worse, because Oliver Cromwell drew the scheme?

I have made this digression, not purely to shew how our writers came to be mistaken in their schemes, and why they never hit upon this draught in all their proposals, though that introduced it; but also to prove, that this intire incorporating

porating Union has in itself the seed of national felicity, in that it wrought then that wonder which the world can rarely produce, viz. liberty in tyranny, prosperity in conquest, and a nation saved even in being subdued.

Could it produce this wonderful effect then, much more must it be supposed capable now:—And, I am persuaded, no man in his senses will like the effect of the present Union the worse, for its receiving any of its parts from the politics of these times, if the happiness of the present time may be seen in it.

And here I must own, that the present Union has some advantage, though the nations have paid dear for the experiment, in that it has been formed upon the foot of all the most politic schemes of former times; and all the miscarriages of former treaties have been as warnings to furnish the experience of these times to make them wary, and instruct them how to avoid the rocks that others split on.!

I have now brought the treaters to London; their names, and the Commission for them respectively to treat, I have inserted in the minutes of the treaty, as it was laid before the Parliament of Scotland, and immediately following this part.

When they first met, they hardly knew what measures they should take; they knew what business they came to do, but, I dare say, the gentlemen will bear with me in saying, they could not foresee the manner and management that followed; and it was a pleasing surprise, to find all sides and parties to agree, in leaving all politic methods formerly studied, rather to delay and defeat the design of an Union than to compleat it; and to fall in heartily to consider, as the general thesis, what could conduce most to the main design of their meeting, The Union; and, in order to this, they resolved not to study advantages against one another; nor to demand, on either side, any thing but what was agreeable to both kingdoms, in their united capacity: This was a happy indication that both sides came together with a true spirit of the Union among them; that they sincerely intended to apply themselves to it, with the utmost diligence, and to pursue it by all the most proper methods to bring it to pass;—the very contrary extreme of which is what, as I have already noted, has been the principal occasion of the miscarriage of all the former treaties, and which good men were very much afraid of now.

Before they met in public, some of the Commissioners on both sides had a meeting among themselves, privately to consider of the method of proceeding.

And here it was first debated, in what manner proposals should be delivered and received; some were for having conferences of every thing that should be proposed, for the convenience of free reasoning; others objected against that as tedious, and offered as the most expeditious method, that every thing should be delivered in writing, and then the Commissioners, respectively meeting apart, might reason among themselves, and give in their resolutions the more perfect;—and this was agreed on by both parties.

This is the cause, that, in the minutes of this treaty, we have little of their private reasonings recorded; since, their having been thus by themselves, they have not been noticed so, as to come to light in any regular manner.

There was but one public conference, which was desired by the Commissioners for Scotland; and this was about the number of the Scots Representatives in Parliament; and in this it is impossible to get the particular arguments used on both sides. The particular persons on either side were as follows:

1st, The Lord Treasurer of England, who opened the thing, and desired the Commissioners for Scotland to propose their reasons, why the English should give a greater number than was mentioned.

Lord Chancellor of Scotland spoke next, and gave reasons why they insisted upon a greater number.

Mr. Secretary Harley replied to Lord Chancellor of Scotland.

The Lord Chancellor spoke a second time, in answer to Mr. Secretary Harley,

The Earl of Pembroke spoke after, to what the Lord Chancellor had offered.

The Earl of Stair replied to the Earl of Pembroke's speech.

The Lord Keeper spoke next.

Sir David Dalrymple followed the Lord Keeper.

Duke of Devonshire to Sir David.

And Mr. Seton of Pitmedden concluded.

The great design of the arguments on the part of the Scots Commissioners were summed up in this.

That they could have no precedent, as to the number of Representatives, argued from Oliver Cromwell's division; because he was arbitrary, and neither gave a just representation to England, or to Ireland.

That the present scheme of taxes could not be the rule; but, if the Representative was to be measured by the proportion of taxes, it was on their side; since, immediately upon the Union, those taxes would be greater.

That, if any rule could be laid down, it ought to be an arithmetical proportion, between the number of people and the taxes paid, considered on both sides respectively: in which case the Hollanders were brought as an example, where, if you take the people, without their circumstances of wealth, they bear no proportion, because their riches are vastly greater than their numbers: If their riches are taken without their people, the disproportion would be as great the other way.

Upon the whole it was concluded, there could be no certain rule to direct their Lordships the Commissioners, but the present circumstances of the nations should be judged of by both sides, and such a Representative to be allowed as should be agreeable to justice in both.

Upon

Upon this debate, their Lordships retired on either hand; and the next day the Commissioners for England brought in a propofal for a Representative for Scotland, augmented to forty-five Commoners, and sixteen Lords, which the Scots Commissioners acquiesced in, as will more particularly appear by the minutes of the treaty, which are inserted at large, as they were extracted out of the books of the Commissioners, and beginning with the Commissions respectively given to the persons appointed to treat, as follows:

The Commission to the Persons appointed for Scotland.

ANNA Dei Gratia, Magnæ Britanniae, Franciæ & Hyberniae Regina, fideique defensor, &c. Omnibus probis hominibus ad quos presentes literæ nostræ pervenerint, salutem; quandoquidem Nos considerantes immense commodum omnibus nostris subditis, per arctiorem and completiorem Unionem Regnorum nostrorum Scotiæ and Angliæ oriundum; cumque per actum Parliamenti dicti Regni Angliæ, anno Domini millesimo, septingentesimo quarto, iis personis, vel tot tali eorundem numero, qui a nobis nominarentur, and quos Nos in hunc effectum, pro quorum (ut loquuntur) statuerimus, plena auctoritas & protestas concessa est conveniendi & tractandi cum iis Commissionariis, auctoritate Parliamenti Scotiæ muniendis, de tali Unione dictorum duorum Regnorum Scotiæ and Angliæ, ac circa quæcunque alia negotia, causas & res quæ (debita deliberatione habita majoris partis dictorum Commissionariorum (ut prædicitur) congregatorum) una cum Commissionariis auctoritate Parliamenti Scotiæ muniendis, dicti Commissionarii nostro honori & mutuo bonæ utriusque Regni in perpetuum convenientia & necessaria, in eorum prudentia judicabunt: Nosque etiam ex Regia nostra affectione, & cura ad promovendum felicitatem omnium nostrorum subditorum, tale insigne & bonum opus prosequi desiderantes & cupientes, Parlamento nostro Scotiæ Mense Junii ultimo elapsi commendavimus, ut cum dicto Regno nostro Angliæ tractatus institueretur; in cujus prosecutione per quartum actum sessionis Parliamenti ultimo elapsæ decretum, statutum & ordinatum est, quod ii, & quot eorum nobis visum fuerit, sub magno sigillo dicti antiqui nostri Regni Scotiæ, constituere & nominare, plenam potestatem, Commissionem & auctoritatem haberent, locis & temporibus a nobis designandis conveniendi ac congrandi; ac cum talibus Commissionariis, auctoritate Parliamenti Angliæ muniendis tractandi & deliberandi circa talem Unionem dictorum duorum Regnorum Scotiæ & Angliæ, & circa quæcunque alia negotia, causas & res quæ (matura deliberatione habita majoris partis dictorum Commissionariorum, ut prædicitur, congregatorum) una cum Commissionariis, auctoritate Parliamenti Angliæ muniendis, secundum tenorem eorum Commissionum eatenus concessarum, dicti Commissionarii honori nostro &

utilitati, & mutuo commodo dictorum nostrorum Regnorum, in perpetuum conducere judicabunt; ac etiam quod dicti Commissionarii, pro utroque Regno, secundum tenorem suorum Commissionum respective, sua acta & gesta, in eadem materia, in tria diversa scripta aut instrumenta singulatim per ipsos, aut eorum quorum scribenda & sigillanda redigent & digerent; in & ad hunc finem, ut unum dictorum scriptorum nobis, aliud dictorum scriptorum Parlamento Scotiæ, & tertium dictorum scriptorum aut instrumentorum Parlamento Angliæ, proximis Parliamentorum sessionibus in utroque regno respective tenendis, exhibeantur; postquam dicta scripta seu instrumenta, per dictos Commissionarios, subscripta & sigillata fuerint, ut desu per Nos & dicta Parlamenta ultra procedamus, prout necessarium visum fuerit, pro commodo & bono utriusq; regni, quibus Parliamentis integra consideratio totius, ac in totum vel pro parte approbandi, prout iis expediens videbitur, omnino reservatur; et per antedictum actum providitur, quod nulla materia aut res tractanda, proponenda, vel per dictos Commissionarios virtute prædicti acti concludenda, ullius erit vigoris, seu effectus cujuscunq; donec prius autoritate & actio Parliamenti regni Scotiæ confirmata & stabilita fuerit: et quod non licitum erit dictis Commissionariis, de alternatione cultus disciplinæ aut regiminis ecclesiæ Scoticanæ, ut nunc per leges stabilita sunt, ullo modo tractare: cumq; nos satis experte specialem fidem & fiduciam reponamus, in fidelitate, eximiis animi dotibus, & prudentia personarum infra-scriptarum, viz. Jacobi Comitis de Seafeld summi nostri Cancellarii dicti Regni, Jacobi Ducis de Queensberry Secreti nostri Sigilli Custodis, Joanni Comitis de Mar & Hugonis Comitis de Loudoun nostrorum principalium Status Secretariorum, Joannis Comitis de Sutherland, Jacobi Comitis de Morton, Davidis Comitis de Weyms, Davidis Comitis de Leven, Joannis Comitis de Stair, Archibaldi Comitis de Roseberry, Davidis Comitis de Glasgow nostri Thesaurarii Deputmini Archibaldi Campbell Fratris Germanii Ducis de Argyle, Thomæ Vicecomitis de Duplin, Gulielmi Domini de Rofs unius Commissionariorum nostræ Thesaurarii, Domini Hugonis Dalrymple Collegii nostri Justitiæ Præsidis, Adami Cockburn de Ormestoun nostri Justitiarum Clerici, Domini Roberti Dundas de Arnistoun & Magistrum, Roberti Steuart de Tillicultrie Senatorum Collegii Justitiæ, Magistrum Francisci Montgomery unius Commissionariorum nostri Thesaurarii, Domini Davidis Dalrymple unius nostrorum Solicitorum, Domini Alexandri Ogilvie de Forglan Generalis nostri Receptoris, Domini Patricii Johnstoun Præpositi Edinburgensis, Domini Jacobi Smollet de Bonhill, Georgii Lockhart de Carnwath, Gulielmi Morison de Prestongrange, Alexandri Grant de eodem Junioris, Gulielmi Seton de Pirmedden Junioris, Joannis Clarke de Pennycook Junioris, Hugonis Montgomery nuper Præpositi Glasguensis, Danielis Steuart Fratris

Germani

Germani Baronis de Castlemilk, & Danielis Campbell de Arntennet; noveritis igitur Nos nominasse, constituisse & ordinalle, sicuti Nos tenore præsentium, nominamus, constituimus & ordinamus memoratas personas Commissionarios, pro dicto regno Scotiæ, ad effectum prædictum; Dando & Concedendo illis, vel eorum novem, quos pro quorum (ut loquuntur) statuimus plenum potestatem, Commissionem & auctoritatem, congregandi & conveniendi, cum talibus Commissionariis, auctoritate Parlamenti Angliæ muniendis, vel eorum sufficiente numero (vulgo quorum) apud civitatem nostram de Westminster, decimo sexto die mensis Aprilis proxime sequentis, & tempore, & loco prædicto, tractandi circa Unionem dictorum regnorum, Scotiæ & Angliæ; et circa quæcunq; alia negotia, causas & res, quæ (matura deliberatione habita majoris partis dictorum Commissionariorum, ut prædicitur, congregatorum) una cum Commissionariis, auctoritate Parlamenti Angliæ muniendis, secundum tenorem eorum Commissionum, in hunc effectum; dicti Commissionarii honori nostro, & commodo, & mutuo bono utriusque regni in perpetuum necessaria & convenientia judicabunt, cum potestate dictis Commissionariis, & eorum sufficiente numero (vulgo quorum ut loquuntur) de tempore in tempus, cum aut absq; continuatione congregandi & conveniendi; et in omnibus quibuscunq; rebus, per præsentem, vel dictum actum Parlamenti, eorum curæ conceditis & commissis, secundum eorum officium & judicium procedendi, mandando & requirendo prædictos Commissionarios curam adhibere, & omnia sua acta & gesta in præmissis, in tria diversa scripta aut instrumenta, debite redigantur & digerentur, per eos subscribenda, sigillanda & præparanda, ita ut Nobis, & Parlamenti utriusq; regni exhibeantur; modo per dictum actum statuto & exquisito, Declarando omni modo per præsentem; quod licitum non erit dictis Commissionariis de alteratione cultus disciplinæ aut regiminis ecclesiæ Scoticanæ, ut nunc per leges stabilita sunt, ullo modo tractare; ac etiam declaranda nulla negotia, aut res tractanda, proponenda aut per dictos Commissionarios virtute præsentis Commissionis, concludenda ullius fore vigoris seu effectus cujuscunque, donec prius auctoritate & actio Parlamenti dicti antiqui regni Scotiæ, confirmata & stabilita fuerint: Reservando nobis plenam potestatem & auctoritatem continuandi præsentem Commissionarios, ad quemvis locum, & quoties nobis visum fuerit, per scriptum nostri regali manu signatum, aut epistolam iis directam, non obstante potestate seipsos continuandi, talibus temporibus, & ad tales locos, ut ipsis visum fuerit, per præsentem iis concessa. In cujus rei testimonium, præsentibus magnum sigillum nostrum appendi præcipimus. Apud aulam nostram de Kensington vigesimo septimo die mensis Februarii, anno domini millesimo septingentesimo sexto, & anno regni nostro quarto.

Per Signaturam manu S. D. N.
Reginæ Supra-scriptam.

ANNE by the Grace of God, of England, Scotland, France and Ireland Queen, Defender of the Faith, &c. To the most Reverend Father in God, Thomas Archbishop of Canterbury; our right trusty and well-beloved Counsellor William Cooper, Esq. our Keeper of our Great Seal of England; the most Reverend Father in God, John Archbishop of York; our right trusty and well-beloved Counsellor Sidney, Lord Godolphin, our High Treasurer of England; our right trusty and right well-beloved cousin and Counsellor Thomas Earl of Pembroke and Montgomery, our President of our Council; our right trusty and right entirely beloved cousins and Counsellors John Duke of Newcastle, our Keeper of our Privy Seal; William Duke of Devonshire, our Steward of our Household; Charles Duke of Somerset, our Master of our Horse, and Charles Duke of Bolton; our right trusty and right well-beloved cousins, Charles Earl of Sunderland, and Evelin Earl of Kingston; our right trusty and right well-beloved cousin and Counsellor Charles Earl of Carlisle; our right trusty and right well-beloved cousin Edward Earl of Orford; our right trusty and well-beloved cousin Charles Viscount Townsend; our right trusty and well-beloved Counsellor Thomas Lord Wharton; our right trusty and well-beloved Ralph Lord Grey; our right trusty and well-beloved Counsellor John Lord Powlet; our right trusty and well-beloved John Lord Summers, and Charles Lord Hallifax; our right trusty and well-beloved Counsellor John Smith, Esq. our right trusty and well-beloved William Cavendish, Esq. commonly called Marquis of Hartington; John Manners, Esq. commonly called Marquis of Granby; our right trusty and well-beloved Counsellors Sir Charles Hedges, Knight, and Robert Harley, Esq. our principal Secretaries of State; Henry Boil, Esq. Chancellor and under Treasurer of our Exchequer; Sir John Holt, Knight, Chief Justice of our Court of Queen's Bench; Sir Thomas Trevor, Knight, Chief Justice of our Court of Common Pleas; Sir Edward Northey, Knight, our Attorney-General; Sir Symon Harcourt, Knight, our Solicitor-General; Sir John Cook, Knight, Doctor of Laws, our Advocate-General, and Stephen Waller, Doctor of Laws; Greeting. Whereas, the kingdoms of England and Scotland were first united in allegiance and loyal subjection in the person of our Royal Great Grandfather King James the First, since which happy conjunction, it hath been very much endeavoured that a nearer and more compleat Union might be settled between both kingdoms, and some progress towards the attainment thereof was made, not only in the time of our said late Royal Great Grandfather, but also in the time of our late Royal Uncle, King Charles the Second. And whereas, we out of our princely zeal and care for the welfare and happiness of our subjects, being also desirous of a nearer and more compleat Union between our two

said

said kingdoms of England and Scotland, did recommend to our Parliament of England from the throne to consider of proper methods for obtaining the same: And whereas, in our Parliament held at Westminster the third and fourth years of our reign, an act passed, entitled, *An Act for the effectual Securing the Kingdom of England from the apparent Dangers that may arise from several Acts passed in the Kingdom of Scotland.* In and by which act of Parliament, it was enacted, that such persons as should be nominated by us, under our Great Seal of England, or such and so many of them as should in that behalf be appointed by us to be of the quorum, should by force of the same act, have full power, commission and authority, at such time and times, and in such place or places as we should please to appoint to assemble and meet; and thereupon to treat and consult according to the tenor, or purport of their authority or commission in that behalf, with certain Commissioners as should be authorized by authority of the Parliament of Scotland, of and concerning such an Union of the said kingdoms of England and Scotland, and of and concerning such other matters, clauses and things as upon mature deliberation of the greatest part of the said Commissioners assembled as aforesaid, and the Commissioners to be authorized by the Parliament of Scotland, according to the tenor or purport of their commission in that behalf, should in their wisdoms think convenient and necessary for our honour, and the common good of both our said kingdoms for ever: And that the Commissioners of both our said kingdoms should, according to the tenor or purport of their said authority and commissions in that behalf, reduce their doings and proceedings therein into writings or instruments quadrupartite, every part to be subscribed and sealed by them, to the end that one part thereof may in all humbleness be presented to us; two other parts thereof to be offered to the consideration of the Parliament for the realm of England, and another part thereof to be offered to the consideration of the Parliament for the realm of Scotland at their next Sessions, which should be held in each kingdom respectively after such writings or instruments should be subscribed and sealed by the said Commissioners, that thereupon such further proceedings might be had as we and both the said Parliaments should think fit and necessary for the well and common good of both the said kingdoms, to whom the entire consideration of the whole, and the allowing or disallowing of the whole, or any part thereof, as they shall think fit, is wholly reserved as in and by the said act, relation being thereunto had, may more at large appear. And whereas, in the fourth year of our reign, an act was made and passed in our Parliament of our kingdom of Scotland, for enabling us to appoint Commissioners to treat with Commissioners for our kingdom of England, of and concerning an Union of the said kingdoms; now know ye, that we reposing especial trust and confidence in your fidelity, ability, prudence, industry, dili-

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gence and circumspection, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint you the said Thomas Archbishop of Canterbury; William Cooper; John Archbishop of York; Sidney, Lord Godolphin, Thomas Earl of Pembroke and Montgomery, John Duke of Newcastle, William Duke of Devonshire, Charles Duke of Somerset, Charles Duke of Bolton, Charles Earl of Sunderland, Evelin Earl of Kingston, Charles Earl of Carlisle, Edward Earl of Orford, Charles Viscount Townsend, Thomas Lord Wharton, Ralph Lord Grey, John Lord Powlet, John Lord Summers, Charles Lord Hallifax, John Smith, William Marquis of Hartington, John Marquis of Granby, Sir Charles Hedges, Robert Harley, Henry Boil, Sir John Holt, Sir Thomas Trevor, Sir Edward Northey, Sir Symon Harcourt, Sir John Cook, and Stephen Waller, to be Commissioners for the kingdom of England, in this behalf, giving unto you, any seven or more of you full power and authority to assemble and meet with the Commissioners authorized, or to be authorized by us, pursuant to the said act made in our Parliament of Scotland, or so many of them as shall be a quorum, at our Council Chamber at the Cockpit, Whitehall, upon Tuesday the 16th Day of April instant; and then and there to treat and consult with them, of and concerning such an Union of the said kingdoms of England and Scotland, and of and concerning such other matters, clauses and things as you and the Commissioners authorized, or to be authorized as aforesaid, or the major part of you and them assembled, shall upon mature deliberation think convenient and necessary for our honour, and the common good of both our said kingdoms for ever; and from time to time, with or without adjournments, to assemble and meet at the place aforesaid, or at such other place or places as the major part of you and them assembled shall think fit; and to proceed in all and every the matters herein before-mentioned committed to your care, according to your best discretions: And you are to take care that all your doings and proceedings in and about the premises with the Commissioners authorized, or to be authorized as aforesaid, be reduced into writings or instruments quadrupartite, and that every part thereof be subscribed and sealed by you and them, and be presented unto us, and the Parliaments of both kingdoms in such manner and form, as in and by the said act first mentioned is enjoined and required. In witness whereof, we have caused these our letters to be made patents. Witness Ourselves at Westminster the 10th Day of April, in the Fifth Year of our Reign.

Per Breve de privato Sigillo Wright.

At the Council Chamber in the Cockpit, Tuesday the 16th of April, 1706.

In pursuance of Her Majesty's Commissions under Her respective Great Seals of Scotland and England, the Lords Commissioners of both Kingdoms, for the Treaty of Union, met at the Council Chamber in the Cockpit.

The names of the Commissioners, as mentioned in the said Commissions, are,

Scot.

James Earl of Seafield, Lord Chancellor.
 James Duke of Queensberry, Lord Privy Seal.
 John Earl of Mar, } Secretaries of
 Hugh Earl of Loudoun, } State.
 Jon Earl of Sutherland.
 James Earl of Morton.
 David Earl of Wemyss.
 David Earl of Leven.
 John Earl of Stair.
 Archibald Earl of Roseberry.
 David Earl of Glasgow, Treas. Deput.
 Lord Archibald Campbell, brother german to the Duke of Argyle.
 Thomas Lord Viscount Duplin.
 William Lord Ross, one of the Commissioners of Treasury.
 Sir Hugh Dalrymple, Lord President of Session.
 Adam Cockburn of Ormestoun, Lord Justice Clerk.
 Sir Robert Dundas of Arncliffe, one of the Senators of the Col. of Justice.
 Mr. Robert Steuart of Tillicultrie, one of the Senators of the Col. of Justice.
 Mr. Francis Montgomery, one of the Commissioners of the Treasury.
 Sir David Dalrymple, Solicitor.
 Sir Alexander Ogilvie of Forglen, General Receiver.
 Sir Patrick Johnstone, Lord Provost of Edinburgh.
 Sir James Smollet of Bonhill.

Engl.

Thomas Archbishop of Canterbury.
 William Cooper, Esq. Lord Keeper.
 John Archbishop of York.
 Sidney Lord Godolphin, High Treas.
 Thomas Earl of Pembroke and Montgomery, Lord President of Council.
 John Duke of Newcastle, Lord Privy Seal.
 William Duke of Devonshire, Steward of the Household.
 Charles Duke of Somerset, Master of Horse.
 Charles Duke of Bolton.
 Charles Earl of Sunderland.
 Evelin Earl of Kingstone.
 Charles Earl of Carlisle.
 Edward Earl of Orford.
 Charles Lord Viscount Townshend.
 Thomas Lord Wharton.
 Ralph Lord Grey.
 John Lord Powlet.
 John Lord Sommers.
 Charles Lord Hallifax.
 John Smith, Esq. Speaker of the House of Commons.
 William Marquis of Hartington.
 John Marquis of Granby.
 Sir Charles Hedges, Knt. } Secretaries
 Robert Harley, Esq. } of State.
 Henry Boil, Chancellor, and Under-Treasurer of the Exchequer.
 Sir John Holt, Knt. Chief Justice of the Court of Queen's Bench,

Scot.

George Lockhart of Carnwath.
 William Morison of Prestongrange.
 Alexander Grant, younger, of that Ilk.
 William Seton, younger, of Pitmedden.
 John Clark, younger, of Pennicook.
 Hugh Montgomery, late Provost of
 Glasgow.
 Daniel Stewart, brother german to the
 Laird of Castlemilk.
 Daniel Campbell of Ardintennie.

Engl.

Sir Thomas Trevor, Knt. Chief Justice
 of the Court of Common Pleas.
 Sir Edward Northey, Knt. Attorney
 General.
 Sir Symon Harcourt, Knt. Solicitor Ge-
 neral.
 Sir John Cook, Doctor of Laws, Ad-
 vocate General.
 Stephen Waller, Doctor of Laws.

After the Lords Commissioners for both kingdoms had taken their places, the Commissions were opened, and read by the respective Secretaries.

The Lord Keeper of the Great Seal of England, addressing himself to the Lords Commissioners for Scotland, spoke in these words:

MY LORDS,

WE the Commissioners appointed by Her Majesty, and authorized by the Parliament of England, to consult and treat with your Lordships, as impowered in like manner by her Majesty and the Parliament of Scotland, concerning an Union of the two kingdoms, and such other things as we the Commissioners on both parts shall think convenient and necessary for the honour of her Majesty, and the common good of both kingdoms, do apprehend there never was (in any assembly of this nature) so little occasion, as at present, for the Commissioners of England to give any verbal assurances of their zeal to promote and compleat (so far as in their power) the great and good design we are met about; since it cannot be doubted, but that we bring along with us the same sentiments which so lately appeared in the Parliament of England, when they took care to manifest by a solemn act, that they did postpone all other considerations to their evidencing a good and friendly disposition towards the kingdom of Scotland.

The Parliament of England, in making that unexpected advance, seemed resolved, if possible, to attain that Union, which hath been so long thought necessary, by all that wish well to the prosperity of both nations.

And we most sincerely assure your Lordships, that we accordingly meet your Lordships, with hearts fully resolved to use our utmost endeavours to remove all difficulties in this treaty, to prevent all misunderstandings, to cherish and improve the good dispositions to one another we meet with, to have the general and joint good of both kingdoms solely in our view, and not the separate of either; but to act as if we were already united in interest, and had nothing left

to

to confider, but what fettlements and provifions are moft likely to conduce to the common fafety and happinefs of this whole ifland of Great Britain.

Which meafures, if purfued on both parts, we hope may enable us to prepare fuch terms of Union as may prove fatisfactory to her Majefty, and the Parliaments of both kingdoms.

And the Earl of Seafeld, Lord High Chancellor of Scotland, on the Part of the Lords Commissioners for Scotland, fpoke as followeth.

MY LORDS,

THE Lords Commissioners for Scotland have defired me to affure your Lordships, that they meet you on this occafion, with great willingnefs and fatisfaction, to treat of an Union between the two kingdoms, and of fuch other matters and concerns as may be for her Majefty's honour, and the maintaining a good underftanding between the two nations.

We are convinced that an Union will be of great advantage to both; the Proteftant religion will be thereby the more firmly fecured, the defigns of our enemies effectually difappointed, and the riches and trade of the whole ifland advanced.

This Union has been often endeavoured, both before and fince the kingdoms were united in allegiance under one Sovereign; and feveral treaties have been fet on foot for that end, though without the defired fuccefs; but now we are hopeful that this fhall be the happy opportunity of accomplifhing it; her Majefty hath frequently fignified her good inclinations towards it; and we are the more encouraged to expect fuccefs in this treaty, by the good difpofition apparent in the Parliament of Scotland for it, and by the friendly proceedings in the laft feflion of the Parliament of England, which gave general fatisfaction.

We have great confidence in your Lordships good intentions, and we fhall be ready on our parts, to enter into fuch meafures with you, as may bring the treaty to fuch a conclufion, as may be acceptable to her Majefty, and to the Parliaments of both kingdoms.

Ordered that copies of the two Commissions be prepared and figned by the refpective Secretaries, and interchanged againft the next meeting.

Adjourned to Monday next, the 22d. infant, at 6 o'clock in the evening.

Monday the 22d of April, 1706.

The Lord Keeper, in the name of the Lords Commissioners for England, delivered to the Board Articles of Preliminaries, which were read, as follows:

1. That all propofals made by either fide, be made in writing, and every point agreed on fhall be reduced into writing.

2. That no point, though agreed on, and reduced into writing, shall be obligatory on either side, till all matters be adjusted in such manner as will be proper to be laid before the Queen and the two Parliaments for their approbation.

3. That there be a Committee appointed, consisting of a certain number of each Commission, to revise the minutes of what passes, which are not to be inserted by the Secretaries in their respective books, but by order of the said Committee, having first made report thereof to the respective Commissioners, and received their approbation of the same.

4. That all the proceedings of the Commissioners of both kingdoms, during the treaty, be kept secret.

The Lord Keeper also delivered to the Board the following proposal, which was read.

That the two kingdoms of England and Scotland be for ever united into one kingdom by the name of Great Britain; that the united kingdom of Great Britain be represented by one and the same Parliament; and that the succession to the Monarchy of the united kingdom of Great Britain, in case of failure of heirs of her Majesty's body, be, according to the limitations mentioned in an act of Parliament, made in England, in the 12th and 13th year of the reign of the late King William, intituled, "An Act for the further Limitation of the Crown, and the better securing the Rights and Liberties of the Subjects."

Adjourned to Wednesday the 24th instant, at 5 in the evening.

Wednesday the 24th of April, 1706.

The Lord Chancellor of Scotland acquainted the Board, that the Lords Commissioners for Scotland do agree to the Preliminary Articles proposed by the Lords Commissioners for England at the last meeting, for regulating the methods of proceedings in this treaty.

The following proposals were also delivered to the Board by the Lord Chancellor of Scotland, and were read.

1. That the succession to the Crown of Scotland, in case of failure of heirs of her Majesty's body, shall be established upon the same persons mentioned in an act of Parliament made in England, in the 12th and 13th year of the reign of the late King William, intituled, "An Act for the further Limitation of the Crown, and the better Securing of the Rights and Liberties of the Subjects."

2. That the subjects of Scotland shall for ever enjoy all rights and privileges, as natives of England in England, and the dominions thereunto belonging; and reciprocally, that the subjects of England shall enjoy the like rights and privileges in Scotland.

3. That

3. That there be free communication and intercourse of trade and navigation between the two kingdoms, and plantations thereunto belonging, under such regulations, as in the progress of this treaty shall be found most for the advantages of both kingdoms.

4. That all laws and statutes in either kingdom, contrary to the terms of this Union, be repealed.

The Lords Commissioners for England withdrew, and being returned, the Lord Keeper, in their Lordships names, delivered to the Board the following answer, which was read.

The Lords Commissioners for England are so fully convinced, that nothing but an intire Union of the two kingdoms will settle perfect and lasting friendship between them; that they therefore think fit to decline entering into any further consideration of the proposal now made by the Lords Commissioners for Scotland, as not tending to that end and desire; that the Lords Commissioners for Scotland would be pleased to give in their answer to the proposals delivered on Monday the 22d instant, by the Lords Commissioners for England, in order to an intire Union of both kingdoms.

Adjourned to Thursday the 25th instant, at 5 in the evening.

OBSERVATIONS ON THE MINUTES OF THE THREE FIRST DAYS.

The ceremonies on either hand being over, Wednesday was the first day in which it may be said, any thing of business was entered upon.

The Commissioners on the English side presented a summary, as it may be called, of an Union in general, by which it is plain a compleat incorporation of the two kingdoms was proposed.

The Scots proposal was less general, and yet readily agreeing to the succession, to a communication of privileges, and an intercourse of trade.

I mention this here, because it was afterwards objected to the treaters on the Scots side in the following Parliament; that they had given up their country to the English, in coming into an incorporating Union immediately, without proposing any terms which might have been more advantageous to Scotland.

It is manifest the Scots Commissioners did make proposals of uniting, which were not incorporating; or at least, which being restricted to their own country only, were significant of a concern for Scotland, leaving the proposal on the behalf of England to the English Commissioners.

But, as will appear in the subsequent minutes, the English Commissioners were come to a resolution previous to this treaty, viz. "That nothing could
"complete the felicity of either kingdom, and for ever remove all possible dif-
"ficulties, breaches, and separation of interests from among them for the future,
"but an entire and incorporating Union, by which the two nations should be
"formed

“formed into one government, be under one sovereign head, in one represented body, standing upon one foundation, enjoying equal privileges, and in common, bearing one general proportion of burdens, the same in end and mean, having but one common interest, one name, and being for ever hereafter but one people.”

This therefore they laid down as the thesis of their future conferences; and pursuant to this, the first general they delivered in, contained the three and most essential articles of the following treaty, viz. “The uniting the two kingdoms into one; the settling the representation in one assembly of Parliament; and the settling the succession in the same line.

And the Scots proposals being short in the general incorporating part, the English Commissioners insisted upon it, as above, declining to treat upon particulars till that was first determined; all debate of particulars being not so directly tending to a conclusion, till the great and main question was agreed to, “Whether the Union should be entire or no, in the sense as above?”

The prosecuting this question will effectually defend the Scots Commissioners, who, though they were afterwards convinced of the main point in debate, viz. “That nothing but an entire Union would be effectual to settle a lasting friendship between the two nations,” yet did not so easily give up their other proposals as was suggested; nor did they give them up at all merely upon the English Commissioners refusing to treat upon any other foot; for the directest answer to a resolution so positive as that, might have been thought to have been an equal stiffness, and refusing to resolve upon so general a clause, till other heads had been adjusted.

But the Commissioners on the Scots side found themselves convinced, First, Of the sincerity and candid intentions of the Commissioners on the English part, to pursue such a treaty, and in such a manner, as might most conduce to the mutual happiness of both kingdoms, and to make the Union both lasting and effectual.

Secondly, They found themselves convinced, upon serious debate, and further inquiry into particulars, that nothing but this incorporation of interests, privileges, and circumstances, could make an effectual, lasting, indissoluble Union; and so they came into it with the same sincerity, and from the same candid design of settling the whole, and of acting to the advantage of either party. Not being at all over-ruled, awed, or drawn in, as was objected afterwards against them. And this would appear at large, if the long debates, speeches and arguments on both sides could have been recovered.

Thursday the 25th of April, 1706.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered to the Board an answer to the proposal made on the 22d instant,
by

by the Lords Commissioners for England, with a provision therein-mentioned, which was read.

The Lords Commissioners for Scotland have considered the proposal given in to them by the Lords Commissioners for England, on Monday the 22d instant, and do agree, that the two kingdoms of Scotland and England be for ever united into one kingdom, by the name of Great-Britain; that the united kingdom of Great-Britain be represented by one and the same Parliament, and that the succession to the Monarchy of the kingdom of Great-Britain (in case of failure of heirs of her Majesty's body) shall descend upon the most excellent princess Sophia, Electress and Duchess Dowager of Hanover, and remain to her and the heirs of her body, being Protestants, to whom the succession to the crown of England is provided, by an act made in the 12th and 13th year of the reign of the late King William, intituled, "An act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects, and excluding all Papists, and who shall marry Papists, in the terms of the said Act;" with this provision, "That all the subjects of the united kingdom of Great-Britain shall have full freedom and intercourse of trade and navigation, to and from any part or place within the said united kingdom, and plantations thereunto belonging; and there be a communication of all other privileges and advantages, which do, or may belong to the subjects of either kingdom."

The Lords Commissioners for England withdrew, and being returned, the Lord Keeper did, in the name of the Lords Commissioners for England, deliver to the Board the following reply, which was read.

The Lords Commissioners for England are of opinion, that the provision added by the Lords Commissioners for Scotland to the proposal made by the Lords Commissioners for England, upon the 22d instant, is a necessary consequence for an intire Union; and therefore their Lordships do agree to the said provision, under such terms as in the further progress of this treaty shall be found to be for the common advantage of both kingdoms.

A Committee was appointed in pursuance of the third article of Preliminaries for revising the Minutes, and there was nominated on the part of

Sect.	Engl.
Earl of Sutherland.	Lord Grey.
Earl of Leven.	John Smith, Esquire, Speaker of the Commons.
Lord President of Session.	Sir Thomas Trevor.
Lord Justice Clerk.	Sir John Cook.
John Clark of Pennicook.	Doctor Waller.
Or any three of them.	Or any three of them.

Adjourned to Monday the 29th instant, at 5 in the evening.

OBSERVATION II.

The Commissioners for Scotland, after the debates and reasonings on the last day about the general proposal of the Union, as an incorporating entire Union, had also a meeting among themselves, in which it was determined, after a long consideration, to agree to the proposal made by the English Commissioners; of a full and entire incorporation.

This is what was afterwards reflected on in Scotland, and which the opposing party called a betraying their country; and as far as possible incited the people against them, who punning on the word treaters, called them the traitors; and on this foot it was, that when the rabble in Edinburgh first took a head, they pretended to insult the treaters, as the persons that had given them up to the English, and accordingly began with Sir Patrick Johnstoun, a person who was otherwise universally beloved among them, and had merited the esteem he had with them, by a sober, discreet and gentlemanlike behaviour, as well when in the Government, having been Provost of Edinburgh but the year before, as at all other times.

Monday, April the 29th, 1706.

The Lord Keeper, in the name of the Lords Commissioners for England, delivered to the Board the following proposal, which was read.

That there be the same customs, excises, and all other taxes; and the same prohibitions, restrictions and regulations of trade throughout the united kingdom of Great-Britain.

The Lords Commissioners for Scotland withdrew, and being returned, the Lord Chancellor, in their Lordships names, delivered to the Board the following answer, which was read.

The proposal given in by your Lordships contains so many particulars, that the Lords Commissioners for Scotland do propose, before they offer any answer to it, that there be a Committee appointed of an equal number of each side to adjust the several points therein, and desire that your Lordships will order an account of the taxes and other things in your proposal to be laid before the said Committee, as the Lords Commissioners for Scotland shall be ready to do on their parts.

The Lords Commissioners for England withdrew, and being returned, the Lord Keeper in their Lordships names delivered to the Board the following reply, which was read.

The Lords Commissioners for England have desired a state of the taxes, and other things in their last proposal mentioned, to be laid before them, in order to refer the same to the consideration of a Committee to consist of an equal number of each side, which their Lordships propose to be the number of eleven on each part, and of them any six to have power to proceed in the matters referred to them.

The

The Lords Commissioners for Scotland agreed to appoint a Committee to consist of eleven of each side, and of them any six to have power to proceed, and that they should be nominated next meeting.

Adjourned to the 1st of May 1706. 6 in the evening.

Wednesday the 1st of May, 1706.

The Lords Commissioners for both kingdoms proceeded to nominate the Committee agreed on the 29th ult. to consider matters to be to them referred, and the Lords Commissioners following were nominated to be the said Committee.

On the part of

Scotl.	Engl.
Lord Chancellor.	Duke of Somerset.
Duke of Queensberry.	Duke of Bolton.
Earl of Mar.	Earl of Sunderland.
Earl of Loudoun.	Lord Townshend.
Earl of Sutherland.	Lord Wharton.
Earl of Leven.	Lord Sommers.
Earl of Stair.	Speaker of the Commons.
Lord Duplin.	Marquis of Hartington.
Lord President of Session.	Mr. Secretary Harley.
Lord Justice Clerk.	Henry Boyle, Esquire.
Sir Patrick Johnstone.	Sir Simon Harcourt.

Agreed the above-named Committee meet to-morrow morning at ten o'clock, and that they have power to adjourn themselves. Adjourned to Friday the 3d instant.

Friday the 3d of May, 1706.

The Lord Treasurer of England acquainted the Board, that he was directed by the Lords Commissioners for England to let their Lordships know, that the account of the revenues and debts of England, desired the 29th past to be laid before the Board, had been prepared, but were not drawn in such a manner as would fully answer the end for which they were proposed; for which reason they were directed to be drawn in another method, and hoped they would be got ready to lay before the Board next Monday. Adjourned to Monday the 6th instant.

OBSERVATION III.

The main points of Union being thus settled, as above, and all the federal, provincial and confederating schemes, which the world without doors had filled their heads with, being vanished, the Commissioners fell close to their work; and the first article proposed by the English Commissioners laid the scheme of the whole affair, viz. customs, excises, and temporary taxes, prohibitions, restrictions, and regulations of trade.

The great question now before them was, how to fix a center in all these, or a great standard of equalities, so as every part might bear its equal share of the

burthens of the war, in proportion to its capacity, and every part enjoy its equal share of the advantages of commerce, each bear an equal part of the weight of the government, and reap an equal part of its protection. This scale of equalities had a great variety of discording parts in it; to bring together the difficulties of which, was the business now before them, and the method of reconciling them, will appear in the further observations on these proceedings.

The first thing requisite to bring this matter into a way of debate, was for either side to give in a true state of the ordinary revenue, the debts and the extraordinary taxes of either kingdom, that a scale of proportions might be formed.

I mention it here, to note how naturally every thing occurred, in order to the main end; and how, after the first concession of an entire incorporation, every thing, that might tend to compleating that design, came in of course; for without doubt, equalities and proportion of taxes, privileges and advantages, was, and must be the only method, to bring about a compleat entire Union of interests, and it was impossible to be done without it.

The undertaking indeed amazed the world, and when people began to look into it with but a transient view, it appeared a perfect chaos, a mass of absurdities, which it would be impossible to reconcile; the people, who had proposed their federal schemes, laughed at this project, and talked of it as impracticable, called it a chimera of the English Ministry, and pretended to prophecy its dwindling into nothing, and bringing the treaty to the same issue, as was done in the last commission.

But when abler heads began to look into it, and take it to pieces, the parts all appeared capable of reduction into form, and the presages of the gentlemen who had so bantered it appeared groundless; the mass began to move, and every thing retiring to its proper place, guided by the temper, moderation, and application of the Commissioners, the beautiful thing, called Union, began to shew itself, and the nation began to conceive hopes of its being perfected, in spite of all the seeming difficulties, with which the enemies to the design had clogged mens expectation, as will appear hereafter.

To bring the balance of circumstances upon the stage, it was absolutely necessary to enter into the several inequalities, in which the two kingdoms then stood; these inequalities, as they lay particularly before the treaters, consisted in matters of taxes, customs, excises and commerce.

In order to state these, the several debts and revenue of the respective nations were stated; abstracts of which are annexed to these observations, as they were given in to the Commissioners of both kingdoms.

Monday the 6th of May, 1706.

The Lord Keeper acquainted the Board, that the Lords Commissioners for England had delivered to their Secretary a state of the revenues and income of
England

England, and also of the debts of the said kingdom, which were to be laid before the Lords of the Committee of both kingdoms at their next meeting.

Adjourned to Thursday the ninth instant.

Thursday the 9th of May, 1706.

The Lord Chancellor acquainted the Board, that the Lords Commissioners for Scotland had delivered to their Secretary, an account of the revenue in Scotland, and the sum about which the debts of that kingdom would amount to, to be laid before the Lords of the Committee of both kingdoms.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered to the Board an answer to the proposal made by the Lords Commissioners for England on the 29th of April, which was read.

The Lords Commissioners for Scotland do agree, that all parts of the united kingdom of Great-Britain be under the same regulations, prohibitions and restrictions, and liable to equal impositions and duties for export and import; but in regard several of the funds relating to the customs are already appropriated, for the payment of debts properly belonging to England, it is proposed that an equivalent be allowed for them.

The Lords Commissioners for Scotland do also agree, that all the subjects of the united kingdom shall be liable to equal land taxes, or taxes upon the pound-rent, providing the proportion for Scotland shall only be 12,000*l.* when 1*s.* is imposed on the pound-rent on England; so that 48,000*l.* in Scotland shall be reckoned equal to the 4*s.* aid now imposed on England, and so proportionable, and to be raised in the same manner now used in Scotland, and free of all charges.

The private rights of corporations and companies are reserved to be considered in the course of this treaty.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered also to the Board the following proposal, which was read.

The Lords Commissioners for Scotland do propose, that neither of the kingdoms be burthened with the debts of the other contracted before the Union.

Adjourned to Friday the 10th instant, at five in the evening.

O B S E R V A T I O N I V.

It was in the debates of this day that the great difficulties lay; and indeed those that seemed most concerned for the success, apprehended something here too difficult to be mastered, and that would render all the rest abortive.

The state of the affairs of either nation was in short thus:

1. England had very large incomes or revenues, and their customs and excise brought in vast sums, viz.

Customs, - - 1,341,559*l.* per annum.

Excises, - - 947,602*l.* per annum.

But, on the other hand, England had vast debts lay upon them to discharge;

and for the discharge of which these revenues and almost all their other taxes, the land tax and malt tax excepted, were appropriated.

2. Scotland had but small revenues, her customs and excise producing but the following sums, viz.

The customs let out in tack, or farm, from year to year, only at 30,000*l.* per annum.

The excise, farmed also, at 35,000*l.* per annum.

But then the revenue of Scotland was entirely free from anticipations, or appropriations on any account of debt: Not but that there were public debts too, but the revenue was not charged with them.

Now, upon the uniting the revenues of both kingdoms, under these differing circumstances, there were but two possible methods that could be proposed:

1. Either, that each kingdom, coming to a full point in matters of revenue, should, like two tradesmen coming into partnership, pay off their own respective debts, and bring in their several proportions of stock, clear of all incumbrances.

2. Or that, putting the general accounts of debts and stock together, the English should make good the inequalities to the Scots some other way.

The Scots Commissioners wisely proposed, for the ease of their own country, that the revenues of Scotland should not be at all chargeable with the English debts;—and this was thought to be a very good argument to excuse Scotland from some duties which, notwithstanding the general article of paying equal taxes, Scotland could by no means bear. Of these, as they respect customs or excises, foreign or home trade, I shall speak as they come in order.

But the English Commissioners, adhering to the first principle of the treaty, viz. Of its being an intire incorporating Union, were upon that account obliged to insist upon this also, which formed afterward the sixth article, viz. That there be an equality of customs, excises, and all other taxes throughout the united kingdom, as that, without which the Union could not be entire.

This being laid down as a general thesis in the whole debate, two things came in course to be examined as mediums.

1. A scale of proportions to form the equalities.

2. An equivalent to be given for supplying unavoidable inequalities.

And this will be found to run through the whole series of the treaty, as the foundation of the whole; and however after ridiculed and reflected on by the opposers of the treaty, it appears to be the only foundation they could have gone upon, and which was the only medium to bring the treaty into a possibility of coming to a happy conclusion.

No man could deny but all equalities consisted in proportions, and to have extended the thing called equality of taxes to a numerical equality, as some pretend

pretend in England, was saying nothing; the customs, manner of valuation of land, and innumerable circumstances of Scotland, rendered it impracticable.

The English Commissioners therefore, when they insisted upon an equality of taxes, readily agreed to the giving Scotland an equivalent for the payment of their own debts, so far as their customs and excises should come into the appropriations of the English revenue.

What alterations, exceptions, and abatements were made, as to equalities of taxes, will be spoken to in the minutes of the Scots Parliament, where the exceptions were made, and those calculations adjusted.

Friday the 10th May, 1706.

The Lord Keeper, in the name of the Lords Commissioners for England, delivered to the Board a reply to the answer made on the 9th instant, by the Lords Commissioners for Scotland, to their Lordships proposal on the 29th of April last, which was read.

The Lords Commissioners for England observing, that in the answer made by the Lords Commissioners for Scotland, the 9th instant, to their Lordships proposal of the 29th of April, that there be an equality of customs, excises, and all other taxes throughout the united kingdom of Great-Britain, the Lords Commissioners for Scotland take no notice of what relates to excises, the Lords Commissioners for England do therefore think it necessary to insist upon their said proposal, as that without which there cannot be an entire Union between the two kingdoms, of which their Lordships are so desirous on their parts, that they are ready to agree to an equivalent for what Scotland shall be taxed towards payment of the debts of England, in all particulars whatsoever.

Adjourned to Monday the 13th instant, at 10 in the morning.

Monday the 13th of May, 1706.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered to the Board a further answer to the proposal made by the Lords Commissioners for England on the 29th of April last, which was read.

The Lords Commissioners for Scotland did take into their consideration the proposal offered by the Lords Commissioners for England the 29th of April, and found it comprehended so many particulars, that they judged it most proper to answer it point by point; accordingly, on the 9th instant, they gave an answer as to the customs and land-tax, and did not mention any thing therein of the excises, because the consideration of these was depending before the Committee of the Commissioners of both sides; but to satisfy the Lords Commissioners for England, that nothing shall be wanting on the part of the Lords Commissioners for Scotland, that is necessary for the attaining an entire Union, they do agree to the equality of excises on ale, beer, mum, cyder, sweets, perry, low wines, aquavitæ and spirits; but they do propose an exemption

emption from all other burthens and excises within Scotland for a competent time, to be adjusted in the course of this treaty, that the subjects of Scotland may (by the benefit arising from the communication of trade) be put in a capacity to bear a proportion of other burthens and excises, being willing at the commencement of the Union, to bear equal excises on all that is exported from Scotland to England, or the Plantations: And the Lords Commissioners for Scotland do hope, that the Lords Commissioners for England will be convinced that the immunity from these other burthens and excises for a term of years, is consistent with an entire Union, and will not put the trade on an unequal foot, when the present circumstances of both kingdoms are duly considered.

And whereas the Lords Commissioners for England did, by their proposal, declare they were ready to agree to an equivalent for what Scotland shall be taxed in towards the payment of the debts of England in all particulars whatsoever, the Lords Commissioners for Scotland are ready to enter with their Lordships into the consideration of this equivalent, and how to make it effectual.

The Lords Commissioners for England withdrew, and being returned, the Lord Keeper, in their Lordships names, delivered to the Board their reply to the aforesaid answer, which was read.

The Lords Commissioners for England, taking into their consideration the paper delivered to them this meeting, by the Lords Commissioners for Scotland, are so sensible of the Lords Commissioners for Scotland's having agreed to an equality of excises, as to all exciseable liquors, (as the Lords Commissioners for England understand the same) and to an equality of excises and burthens on all goods exported to England, and the Plantations, which the Lords Commissioners for England do not doubt will be agreed to by the Lords Commissioners for Scotland, as to all goods exported to all places whatsoever,—that to shew their readiness to comply with every thing reasonable, to the bringing this treaty to a good effect, they are willing to enter into the consideration of the particular excises and burthens point by point, which being of several natures, so that they will require to be distinctly considered, the Lords Commissioners for England find it necessary to desire a little time for giving their opinion on each particular head: But in general are inclined to consent to an exemption of excises and burthens, as proposed in such cases, where it may be done without prejudice to the trade or manufactures of England: As to the excises, where an exemption cannot be consented to without such inconveniency, the Lords Commissioners for England will consider of a proper equivalent, or some other expedient to promote the desired Union of the two nations.

And as to those customs and excises, to which their Lordships have already agreed, and for which an equivalent is to be allowed to the kingdom of Scotland,

land; The Lords Commissioners for England do think it would tend to the dispatch of this treaty, that the Committee already appointed should continue to sit, in order to the adjusting that matter.

Adjourned to Wednesday the 15th instant, 5 in the evening.

Wednesday the 15th of May, 1706.

The Lord Keeper, in the name of the Lords Commissioners for England, delivered to the Board an answer to the proposal made by the Lords Commissioners for Scotland on the 13th instant, which was read.

The Lords Commissioners for England, taking into consideration the proposal made by the Lords Commissioners for Scotland on the 13th instant, "That the kingdom of Scotland should be, for a competent time, exempted from all excises and burthens, others than such as have been agreed unto by the Lords Commissioners for Scotland;" have, in order to comply with the said proposal, so far as can be done without prejudice to the trade and manufactures of England, distinctly enumerated and considered the several excises and burthens, which are now payable by virtue of the divers acts of Parliament in England, and which have not yet been agreed to by the Lords Commissioners for Scotland, and do find the same to consist of the particulars which are hereafter mentioned, together with the opinion and answers of the Lords Commissioners for England, to the said proposal, as to each of the said respective duties.

1. The duty on stamped paper, vellum and parchment, one moiety whereof expires on the first of August, 1710:—The Lords Commissioners for England do consent, that the kingdom of Scotland be exempted from the whole duty until the first of August, which shall be in the year of our Lord 1710.

2. The duty on births, marriages and burials, which being to expire the first of August next, and therefore before the desirable Union can take place, The Lords Commissioners for England do conceive it to be wholly unnecessary to enter further into the consideration of that duty.

3. The duty payable on windows and lights till the first of August, 1710:—The Lords Commissioners for England are of opinion, that the kingdom of Scotland shall be exempted from the said duty during that term.

4. The Duty on coals and culm, payable to the 30th of September, 1710. As to this duty, the Lords Commissioners for England do consent, that the kingdom of Scotland do remain exempted from the said duty during the said term, as to all coals and culm consumed within the kingdom of Scotland, and no otherways.

5. The duty on malt granted for no longer time than the 24th of June, 1707:—The Lords Commissioners for England do consent, that the kingdom of Scotland shall remain exempted during the said term from the said duty.

6. The

6. The duty on salt:—As to this duty, the Lords Commissioners for England, to shew their willingness to ease for some time the poor of the kingdom of Scotland, do consent, that the kingdom of Scotland shall, for a competent time after the Union, (to be settled in the progress of this treaty) remain exempt from the payment of that duty for all salt spent in kind, or used in provisions spent within the kingdom of Scotland: Provided, that the Lords Commissioners for Scotland do propose effectual methods to the Lords Commissioners for England, for securing, that the like duties, as are now payable in England, be paid and collected in the kingdom of Scotland, after the Union, without fraud, as to all salt exported from that kingdom, either in kind or provisions.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered to the Board an explanation of their agreement to the excises, &c. mentioned in their Lordships paper delivered to the Board the 13th instant, which was read.

The Lords Commissioners for Scotland, by their paper delivered the 13th instant, did mean an equality on all exciseable liquors, as the Lords Commissioners for England did understand it; and they are willing there be an equality of excises and burthens on all goods exported to all places whatsoever, which they agreed to by their proposal the 9th instant.

Adjourned to Friday the 17th instant, in the evening.

Friday the 17th of May, 1706.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered to the Board the following paper, in relation to the several taxes and excises to which their Lordships had agreed, and renewing their proposal of the 13th instant, for a general exemption for some competent time, from all other excises and burdens, than those already agreed to, which was read.

The Lords Commissioners for Scotland, since the last general meeting, have again considered the proposition made by the Lords Commissioners for England the 29th of April last, viz. That there be the same customs, excises and all other taxes; and the same prohibitions, restrictions and regulations of trade throughout the united kingdom of Great-Britain, with the papers which have been since delivered by the Commissioners of both kingdoms upon that subject, and do with great satisfaction observe, that the difference, as to that important proposal, is brought to a very narrow compass. And the Lords Commissioners for Scotland take this occasion to acknowledge the sense they have of the regard shewn by the Lords Commissioners for England, for the subjects of Scotland after the desired Union; and the Lords Commissioners for

Scotland

Scotland having, by their several propofals and answers, agreed to the fame regulations of trade, and to an equality of customs and excifes upon all excifeable liquors, and a quota of land tax, all to commence from the Union; as alfo to an equality of all other taxes after fome years, they do conceive, that they have fully complied with the faid propofal of the 29th of April, excepting only that they have propofed an exemption for fome time from all further burthens, than thofe exprefsly confented to. And as to the exemption defired, the Lords Commiffioners for Scotland are very fenfible that the Lords Commiffioners for England have not only, by their paper of the 13th instant, declared, that they were inclined to confent in general to an exemption of excifes and burthens, as propofed in fuch cafes, where it might be done without prejudice to the trade and manufactures of England; but that, in purfuance of that good difpofition, their Lordfhips, by their paper of the 15th instant, have confented to an exemption in favour of the fubjects of Scotland, from the feveral duties, and for the particular terms therein mentioned, whereby the immunity defired is fo far granted; but the Lords Commiffioners for Scotland, from their confideration of the prefent circumftances of that kingdom, find themfelves under a neceffity to renew their propofal of a general exemption, for fome competent time, from all other excifes and burthens, befides thofe great duties and taxes already confented to, that the fubjects of Scotland may, by the benefit of trade, be enabled cheerfully to bear an equality of all other burdens, which will greatly advance a firm Union and coalition of affection and intereft between the two kingdoms.

Adjourned to Saturday the 18th instant, at 5 in the evening.

OBSERVATION V.

The Commiffioners were now entered upon the great inquiry about equalities, and the firft matter relating to taxes was that of the land tax; the land tax in England was a formidable thing, being called a tax of four fhillings in the pound of the rent of lands, &c. And the people who were fond of throwing a tangled fkein in the hands of the treaters, that might shock them at the beginning, would have gone upon that foot, alledging, that though the rents in Scotland were differing from thofe in England; yet that twenty fhillings fterling revenue being the fame thing any where, it could as well afford to pay four fhillings out of it in Scotland as any where elfe; and upon this foot, it feems, were for bringing the rents of land in Scotland to a true eftimate, and fo they would call this way of taxing an equality.

But to this it was answered, firft, that the Scots way of collecting their taxes, being rigorous and exact, if four fhillings per pound were laid by Parliament upon the whole ifland, their affeffments would *bona fide* be four fhillings per pound, upon the rack rent of all their lands.

Whereas four shillings per pound in England never puts the assessors out of their old road ; but every county being rated in the very body of the act, the title is *ipso facto* repealed, since if the lands, &c. of that county will raise the money by an assessment of one shilling and six-pence per pound, and it is known some do for less, the law is satisfied, and the end answered.

Now to tax Scotland at four shillings per pound upon her nett rent, and tax the northern and western counties of England but at so much money, which they can raise by a proportion of sixteen-pence to twenty-pence at most, per pound, would be unreasonable.

So that it was plain, Scotland could not be taxed at a pound rate, but at a proportioned sum, leaving them to the division of it, to raise it as they see fit.

2. The sum charged upon lands in England, after it is levied and raised from the tenant, stands charged with large deductions and charges, upon the levying, collecting, and receiving ; and those charges, if some calculations are right, amount to little less than nine pence per pound upon the money received, besides public losses by the insolvency of receivers and their securities, which often times runs deep into the money ; and which though they cannot be brought into an exact account, yet put all together, twelve pence per pound may at least very well be charged upon the whole, as an off-reckoning or discount upon the money, between the collection and Exchequer.

This twelve-pence per pound upon the money collected is two-pence $\frac{1}{4}$ per pound upon all the rents in England, and amounts in every land-tax to near a hundred thousand pounds sterling.

Now, as on the other hand, the Scots collect all their tax at their own charges, clear of all losses, deficiencies or defalcations, and pay it in nett to the Exchequer or public treasure, to charge them by the same numerical equality with England, would be to make them pay their taxes clear of charge, and bear part of the expence and loss in collecting ours.

3. Differing customs and manners of paying rent, and letting out lands in the two kingdoms, make a numerical equality impracticable.

In England the rents are paid in money, in Scotland they are, generally speaking, paid in kind, or victual, as they call it : now though it is true this may, and is, in some respect, brought to a head by a general valuation, yet, with this difference, against a Scots landlord to an English, viz. That the Scots landlord stays two terms, and runs two risks in his receiving the rent of his land.

First, he stays the term agreed to receive of his tenant ; and secondly, he trusts the merchant a second term, to whom he sells the produce he receives of his tenant ; in the same sense he runs two hazards ; one in the solvency of the tenant, and the other of the merchant ; which makes a considerable difference in the essential value of the rent, and consequently of the purchase of such an estate ;
and

and though the purchase or real value of lands in Scotland may not come into this dispute; yet were an estate let in England to pay the rent in kind, it would sell for much less than an estate of the same value paid in specie: nor would it be taxed at near so much in our common assessment.

4. The difference in letting lands in England, which are in many places fined down, and the stated rents reduced, makes another variation: whereas in Scotland lands are let without leases, or but on short terms, and at a rack rent; any man that knows what belongs to letting or taking lands in England, cannot be ignorant, that the landlord letting a long lease to the tenant, confining him to such and such improvement, makes frequent considerations in the rent, and so the land being taxed by the rent, is taxed under the value.

On the other hand, should this article of four shillings per pound be insisted on in the literal sense, and the Scots come to consider how to avoid it, by fining down rents, and other advantageous methods, which they may easily find out, they may soon evade the act, and pay little or nothing; and this would be an evil hard to discover; and, if found out, almost impossible to cure.

From these reasons it was plain, a numerical or arithmetical equality could not be the foundation of those debates;—but, as it was very well styled, it behoved to be a geometrical equality, founded on a scale of proportions; and that scale formed upon due considerations, not of real value only, but of circumstances and prospects of either kingdom.

A second calculation was then proposed, from the proportion which Scotland was obliged to pay under Oliver Cromwell, who having reduced Scotland by arms, incorporated them into one body with this nation; and by this incorporation, they were rated at 6,000 per month, in their land-tax, when England was rated at 70,000l. per month.

It also appears, by the same calculation, that Scotland paid this 6,000l. per month when England paid but 35,000l. per month.

Now to apply this calculation to the present case, the land-tax in England, in time of war, at 4s. per pound is supposed to raise two millions sterling.

The Scots paying 6,000l. to England's 35,000l. per month, which is something less than a sixth part, by the same rule, in two millions per annum, which the said land-tax raises, they must be chargeable with 333,333l. 6s. 8d. per annum, land-tax.

But this arbitrary difference, which Oliver Cromwell and his Parliament made, as is observed, was in consideration that England had, for divers years past, been at almost all the expence of the war; yet still, at the former calculation, Scotland would, in a four shilling aid pay half that sum, viz. 166,666l. 13s. 4d. per annum.

Now, to examine the rents of each kingdom, the annual rents of lands in Scotland, must, by the first calculation, amount to 1,666,666l. 13s. 4d. sterl. per annum; and, by the last calculation, just half the money.

Both which sums, it was alledged, are far wide of an equality, and far beyond what Scotland is able to raise.

I am the larger on this head, that posterity may see the reasons why these calculations were made, and have the arguments preserved for their use, if it be disputed hereafter, why Scotland should pay so small a proportion in the land-taxes, or four shilling aid; and which may help others to defend Scotland against future attempts to enlarge their expences.

The next thing was to examine what was, or what might be counted a due equality; and here it will be necessary to enter a little into the short history of taxes in Scotland, since the Restoration; which, bringing it down to the present time, may serve as a rule to this matter.

Anciently the levying money upon land in Scotland was called in general the Taxation; and the manner of levying it was by rules altogether obsolete, and now grown out of use, as the custom of tenths, fifteenths, subsidies, &c. are in England.

The now method of taxing land has its beginning, as to practice, in the assessment of 6,000l. per month, settled in Scotland in Cromwell's time, when an Union was actually formed and settled between the nations; of which, however deficient in itself, without doubt this may be said, that it had in it the essential parts, and might be modelled into a compleat coalition.

This is the tax they now go by in Scotland, and is called there the cess, by which is understood a month's assessment; it is raised upon land by a method peculiarly exact, and I have never heard any one complain of the inequality.

It is raised, as is before noted, without any charge, deduction, or defalcation, and is paid nett into the Treasury.

According as the occasions of the Government require, this tax is increased; but then not the sum per month is increased, but the number of months are increased, which, by the help of time, increases the sum.

The original of the demand was as before, and of the method, but the continuance of it was thus introduced:

In former times, the Kings of Scotland contented themselves with the ancient demesnes, crown lands, customs, &c. and, on extraordinary cases, the Taxation, as above, was their supply; excises of any sort were altogether unknown, till the days of King Charles the Second.

King Charles the Second, in the year 1661, obtained of the Scots to give him a settled sum of 40,000l. sterling during his life, in consideration whereof, he promised never to demand any cess, or taxation, except in time of war, as by the words of the act as follows:

Thirteenth Act of the first Parliament, Charles II.

“ The Estates of Parliament, taking to their consideration the great happiness this kingdom hath enjoyed, &c. and that the King’s Majesty hath been graciously pleased, notwithstanding all the provocations given to himself and his royal father, to evidence his affection and favour to this his ancient kingdom, &c. do with all humble duty acknowledge His Majesty’s unparalleled grace and goodness, &c.

“ And seeing, for the due establishment of His Majesty’s authority, and settling and securing the peace of the kingdom, His Majesty may have occasion to raise and keep some forces within this kingdom, and His Majesty has signified his resolution not to raise any more cess. Therefore, and from the due sense of their duty and obligations, the Estates of Parliament do, in the name of the kingdom, make an humble and cheerful offer to his Majesty, of a yearly annuity of 40,000l. sterl. during all the days of his Majesty’s life-time.”

This 40,000l. was raised by 8,000l. laid as impost on foreign importations, and 32,000l. per annum on malt brewed into liquor for sale; but as this was a novelty, and uncertain in its produce, a cess was granted to make good the deficiency, which deficiency generally amounted to two months cess, more or less; and other cess than this Scotland knew none till the Convention 1666, which being a time of war, a cess was imposed, but not exceeding three months.

Here it may be observed, that in these times the excises and customs of Scotland could not raise 40,000l. per annum, put together, which I note for the other uses which I shall make of it hereafter. But to go on with my history.

From this time to the year 1673, Scotland had no more cess, nor was at any charge more than to make good the deficiency of the 40,000l. mentioned before; except three months cess during the Dutch war, expiring at Candlemas 1674.

About this time the nation being very unhappily divided into parties, had the misfortune not only to have a religious division, but a court division also; and people strove at any price to oblige the Sovereign, in giving up their privileges and liberties to be trampled on by arbitrary designs. The first fruits of this, courting the Prince appeared in, that they brought a tax of five months cess upon the country, to be continued for five years; which, though in time of peace, was backed with a specious pretence of the disaffection of the fanatics, or to express it in a more modern phrase, the danger of the church, as follows:

Act of Convention, 10th of July, 1678.

“ The Convention of Estates of the kingdom of Scotland, by His Majesty’s authority and command at this time assembled, considering the great hap-
 “ piness,

“ pines, &c. and as all Kings and Estates do at present carefully secure them-
 “ selves and their people, by providing against all such foreign invasions and
 “ intestine commotions as may make them a prey to their enemies; so it is
 “ not fit that this kingdom should only, of all others, remain without defence,
 “ in a time when these dangerous field conventicles, declared by law rendez-
 “ vouses of rebellion, do still grow in their numbers and insolencies, against
 “ all which the present forces cannot be in reason thought a suitable security;
 “ in recognizance thereof, &c. the Convention of Estates, &c. do humbly be-
 “ seech His Majesty to accept their cheerful and humble tender of a new
 “ supply.”

This was the first infraction upon the Scots, to cover which Duke Lauderdale,
 then Commissioner, feigned a new word, and put upon it the gloss of a *voluntary*
offer, or free gift.

When this had been imposed for about three years, and two years before it
 expired, King James, then Duke of York, and high Commissioner in Scotland,
 anno 1681, obtained the continuation of this five months cefs for three years,
 which was to the year 1684. After this, when he came to the crown, he ad-
 vanced it by his mere absolute command to eight months cefs, and had it con-
 firmed to him for his life. Vide the act, as follows:

12th Act of Parliament, January 7.

“ The Estates of Parliament calling to mind the many great blessings they
 “ have and do enjoy under the protection of the Royal Government, and espe-
 “ cially by the many deliverances from the rebellious insurrections and designs
 “ of fanatical traitors, from whom they could expect no less than confusion in
 “ religion, oppression, &c. And that the terror of His Majesty’s forces
 “ hath been very instrumental for procuring our present security; but consider-
 “ ing, that not only these enemies continue their inveterate hatred against King
 “ and people; but that their frequent disappointments have heightened their
 “ malice to despair, and that the present forces may be too few to undergo all
 “ the fatigue which His Majesty’s service, &c. may require; and to demon-
 “ strate to all seditious men, that this nation is resolved to bestow all they have
 “ in the King’s service, rather than to bear the least of their insults. Do there-
 “ fore, for themselves and the nation represented by them, make a hearty and
 “ dutiful offer, &c. over and above the five months already imposed, &c.
 “ whereby there will be four months cefs payable at each term hereafter; and
 “ as a farther evidence of their entire affection, &c. they humbly and heartily
 “ offer a continuation of the said four months cefs, termly, during all the terms
 “ of his Majesty’s life-time, which God Almighty long preserve.”

In this taxation or cefs, the several court parties struggled who should give
 their

their country away fastest; the Bishops got into every part of the civil jurisdiction; the severities against the people first drove them into desperations and rebellions, and then such advantages were taken, and such use made of the said insurrections to ruin others, that the poor people were brought to the brink of general ruin: the nation being brought to that pass, that a man might be fined or forfeited; that is, his estate taken from him, for his wife's giving a half-penny at his door to a common beggar, on pretence it was relieving a rebel.

Thus poor Scotland was bought and sold, and the example is useful for our observation a great many ways; for thus shall every nation be used, that is divided into contending parties, and exposed to an incroaching government.

But that I may not have said all this foreign to the present purpose, it is very observable, and this is the reason of the quotation, that this will make one *period* for taxation, viz. The highest that an arbitrary Prince, backed with a mercenary nobility, and a governing clergy, even in the greatest extreme of absolute tyranny, ever imposed upon this nation, which at that time it is evident they desired to squeeze, and cared not if they intirely ruined.

Come we now to the Revolution, which these exorbitances had no little influence upon: The first thing transacted upon the meeting of the Estates or Convention of Scotland, was to break these chains; re-assume the power of raising taxes by Parliament, and make themselves judges both of the occasion and of the sum.

However, as in England, since the Revolution, greater occasions have called for immense sums to carry on the war, and such taxes have been raised as were never heard of before; so in Scotland the Parliament have agreed to such taxes as, the aforesaid time of tyranny excepted, were never known in Scotland before.

Yet, in the carrying on this war, six or seven months cefs, has, one time with another, been thought Scotland's full proportion, and the late King, excepting one or two years on extraordinary occasions, always contented himself with it, and this at the same time that England raised four shillings per pound upon their land; nor did Queen Anne ever demand more of her subjects in Scotland, though the weight of the war was as great as ever; and this was called another period of taxation.

Now, what was meant by a geometrical scale, or equality in taxes, is drawn from these proportions.

That, since exact valuation of rents cannot be made on both sides, and least of all in England, it seems as good a way to come at this equality, as any could be proposed.

That the highest period of taxes that ever Scotland bore since the Restoration may be taken on one hand, and set against the highest period of taxes that

ever

ever England bore, that is, of a land-tax on both sides; and put these together as the scale of equality.

Thus, suppose the Scots eight months cess, though that was the height of tyrannic imposition, and though it is allowed the Scots are manifestly impoverished, and less able to bear it than they were; yet, say it be full eight months cess, and set this against the English four shillings per pound, it could not be found that any more just calculation could be made; and the proportion seemed so clear, that every side appeared content with it.

Thus, whenever a tax upon land for four shillings per pound is granted, the Scots pay eight months cess; if of two shillings per pound in England, four months cess; and so in proportion.

There were other calculations offered about that time, but none seemed so rationally and so exactly stated to the circumstances of the nations, or built on so just a foundation; and therefore, it met with less difficulty than was expected, as will appear hereafter.

Saturday the 18th of May, 1706.

The Lord Keeper, in the name of the Lords Commissioners for England, delivered to the Board their answer to the paper delivered by the Lords Commissioners for Scotland the 17th instant, which was read.

The Lords Commissioners for Scotland, on the 9th instant, proposed a quota of a land-tax, and agreed to the same regulations of trade, and to an equality of customs; and on the 13th agreed to an equality of excises on all excisable liquors; but, at the same time, their Lordships proposed an exemption from all other burthens and excises for a competent time.

The Lords Commissioners for England did the same day return answer, that their Lordships would enter into the consideration of the particular excises and burthens point by point, and on the 15th instant did return their answer distinctly, to the particular excises and burthens payable by virtue of several acts of Parliament in England, in such manner, as their Lordships had reason to hope, would have been to the entire satisfaction of the Lords Commissioners for Scotland; but the Lords Commissioners for England finding, by the paper delivered in on the 17th instant by the Lords Commissioners for Scotland, that though they do take notice of the said answer of the 15th, yet their Lordships have thought fit to renew their proposal of a general exemption for some competent time, from all other excises and burthens, besides these their Lordships had already consented to: The Lords Commissioners for England did understand that proposal of the 13th, to extend only to such other burthens and excises as are now subsisting in England, to every one of which their Lordships think they have given a full and distinct answer; and if it shall appear that any
particulars

particulars have been omitted in that answer, the Lords Commissioners for England will enter into the consideration of them, and return their opinion thereupon; but if the Lords Commissioners for Scotland would extend their proposal of the 13th to an exemption from all burthens and excises, which the Parliament of Great-Britain may hereafter find necessary to impose on the united kingdom; the Lords Commissioners for England are of opinion, that it cannot be supposed, the Parliament of Great-Britain will ever lay any sort of burthens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom; and to allow of any supposition to the contrary, would be to form and set up an unanswerable argument against the Union itself; therefore, the Lords Commissioners for England do desire that the Lords Commissioners for Scotland would take into their consideration the several particulars in that paper delivered to them by the Lords Commissioners for England on the 15th instant, and return such answer to them as their Lordships shall think fit.

Adjourned to Tuesday the 21st instant, 5 in the evening.

Tuesday the 21st of May, 1706.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered to the Board their Lordships answer to the papers delivered by the Lords Commissioners for England on the 15th and 18th instant, which was read.

The Lords Commissioners for Scotland have taken into their consideration, the papers delivered by the Lords Commissioners for England on the 15th and 18th instant, and do understand that the first contains all the several kind of burthens and excises now in use in England, besides those to which the Lords Commissioners for Scotland have already agreed.

And as to the several particulars contained in the said papers :

1. As to duties on stamped paper, vellum and parchment, seeing the exemption from that imposition can have no influence on trade or manufactures, and that the said duty does affect the securities of the subjects estates, adding likewise a new condition, which being omitted may make their rights and titles void : and further considering, that the said duty will be uneasy to the people, chargeable in collecting, and of small value; the Lords Commissioners for Scotland do propose, that the kingdom of Scotland be wholly exempted from the same, or at least that the exemption from the said duties, agreed to by the Lords Commissioners for England in the said paper of the 15th instant, be prolonged beyond the year 1710, to a certain period, as to that moiety which is imposed for perpetuity.

2. As to the other particular duties, which expire in the year 1710 or sooner, from which the Lords Commissioners for England have agreed that the kingdom of Scotland shall be exempted; the Lords Commissioners for Scotland do

understand, that it was the meaning of the Lords Commissioners for England, to extend that exemption to the duty laid on cinders.

3. As to the duty on salt; the Lords Commissioners for England having consented, that the kingdom of Scotland shall, for a competent time after the Union, remain exempted from the payment of that duty, for all salt spent in kind, or used in provisions, within the kingdom of Scotland, provided that the Lords Commissioners for Scotland should propose effectual methods for securing, that the like duties as are now payable in England, be paid and collected in the kingdom of Scotland after the Union, as to all salt exported from that kingdom, either in kind or provisions: the Lords Commissioners for Scotland have herewith given in a scheme of such regulations as have occurred to them, for securing, that the duty proposed be collected in Scotland, as to all salt exported from that kingdom in kind or provisions, and are willing to agree to what other methods shall be proposed on that behalf by the Lords Commissioners for England; and their Lordships are ready to enter with the Lords Commissioners for England, on the consideration of the time to which the said exemption shall be limited; and the Lords Commissioners for Scotland doubt not, but as the Lords Commissioners for England have agreed to the exemption proposed from all burthens or excises now in use, but those consented to by the Lords Commissioners for Scotland, that the Lords Commissioners for England will also agree, that the kingdom of Scotland remain exempted from any duties (except those agreed to) which may be laid on by the Parliament of England before the Union.

And as to the general exemption formerly proposed on the part of Scotland, from all other burthens than those consented to for a competent time; the Lords Commissioners for Scotland considering what the Lords Commissioners for England have observed, that it cannot be supposed the Parliament of Great Britain will ever lay any sort of burthens upon the united kingdom, but what they shall find of necessity at that time, for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom: therefore the Lords Commissioners for Scotland, to avoid the difficulty that may arise in that matter, do agree, not to insist further at present, but to leave the continuation of the said exemption to be determined by the Parliament of Great Britain.

And the Lords Commissioners for Scotland having, by this and their former papers, answered the proposal made by the Lords Commissioners for England on the 29th of April, concerning the equality of taxes, the Lords Commissioners for Scotland take this occasion to put the Lords Commissioners for England in mind of a proposal given in to their Lordships the 9th instant, concerning the quota of land-tax for the kingdom of Scotland, not doubting, but that the Lords Commissioners for England will agree to the same.

The Lord Chancellor did also, in name of the Lords Commissioners for Scotland, deliver to the Board the following propofal, which was read.

Propofal for the effectual preventing the exportation of Scots falt to England, or the Plantations, without paying the fame excifes, with which Englifh falt is charged, during the exemption allowed to Scotland from the faid duty.

1. That no falt be transported from Scotland to England by land, under the penalty of forfeiting the falt and the horfes ufed in transporting it, and pay ten fhillings for every bufhel of falt fo transported, for which the carrier, as well as the owner, fhall be liable conjunctly and feverally, and the carriers to be imprifoned until the faid penalty be paid.

2. That all falt water-borne be entered at a Custom office, and that before fhipping there be a report made, expreffing to what port the fhip or veffel is bound, and if bound to any port within Scotland, there fhall be fufficient fecurity given for the duty payable in fix months, with this condition, that in cafe a certificate be returned from the Collector or Collectors where the fhip or veffel is bound, that the fame quantity was truly and without fraud found loaded at the faid port or ports, reasonable allowance being made for wafte fince the embarkation; then and in that cafe the bond for the duty to become void: and in cafe the fhip or veffel be bound for England or the Plantations, the excife or duty chargeable on the like falt in England fhall be prefently paid in money, and a tranfite or certificate fubfcribed by the Collector, expreffing the quantity of falt entered and the duty paid; and if any fhip or veffel load falt on board, and export the fame without duly reporting, entering and carrying the faid tranfite or certificate along with him, to be produced at the port of difcharge, the fhip or veffel unloading fhall be confiscated, and the mafter imprifoned for three months; and in cafe of any fraud or connivance in the Collector or other officers of the custom-houfe, the faid Collector or other officer fhall be liable to pay a year's falary, and be deprived of his office.

3. As to provifions; all fifhes and flefth barrellled for exportation are appointed to be packed and cured with foreign falt, without any mixture of Scotch or Englifh falt, by the law of Scotland, which foreign falt falls under the regulation of foreign trade, and there are no other valuable provifions that can be imported from Scotland; and the Lords Commissioners for Scotland are willing to agree to any further propofal that fhall be made for preventing fraud in importing Scotch falt, or falted provifions.

Her Majefty came to the Meeting, and being feated in her Chair, fpoke to the Lords Commissioners as followeth.

“MY LORDS,

“I AM fo much concerned for the Union of the two kingdoms, that I could not fatisfy myfelf without coming, before I went out of town, to fee what

“ progress you had made in the treaty, and to recommend very earnestly to you
 “ the bringing it to a happy conclusion with as much dispatch as the nature of it
 “ will admit, not doubting of the general satisfaction which my subjects of both
 “ kingdoms will receive in finding you overcome all difficulties to attain so great
 “ and public a good.”

The Lord Keeper desired to know of Her Majesty, if she would be pleased to hear the proposals made on either side, and the resolutions hitherto taken thereupon, read by the respective Secretaries; which Her Majesty was pleased to allow of, and the same were read accordingly.

After reading whereof, Her Majesty went away, and the Lords Commissioners adjourned to Thursday the 23d instant, 10 o'clock in the morning.

OBSERVATION VI.

And thus, after all the difficulties which were thought unfurmountable by some, and endeavoured to be made so by others, the affair of the land-tax was settled: the next article was the equality of excises, customs, and other appropriated funds, and these had sundry difficulties.

Some were grievous to Scotland with respect to their magnitude only, in which case, though Scotland was to be supposed to pay duties under the same denominations, yet the Scots Commissioners pretended to insist upon it, that they were not able to pay the same sums with England, but that it must be reduced to a proportioned equality as in the land-tax, and this respected the excise and several branches of the customs.

Others were grievous to Scotland in the kind, and were thought impracticable, at least for a time, the trade, poverty, and other circumstances of Scotland not admitting them; these were the tax upon malt, and the excise, or duty on salt.

Others again were such as were altogether impracticable, as having none of the materials to work on in Scotland, or such as could not rationally be expected from them, such as the taxes upon coals, culm, hawkers and pedlars, hackney-coachmen, births, burials, and marriages, glass-windows, stamped paper, and the like.

In the beginning of the debate on these heads, the equality of customs, export and import, with the same restrictions and regulations of trade was agreed to by the Scots Commissioners; for the necessity of commerce made it plain, there could be no adjusting trade without that. An open, free, uninterrupted commerce by land being the consequence of an Union, they would otherwise ruin the English trade by supplying the English markets with all sorts of imported goods cheaper than the English merchants could do; and this would be a most destructive article in trade, especially in fine goods. For example, in linens from Hamborough or Holland, or in tobacco, coffee, tea, chocolate, and such other things as were then under large duty and small carriage;

carriage; these would all be spread over England by the Scots, and make unspeakable confusions in trade.

It was the sooner concluded therefore, that the customs, prohibitions and charges of all foreign importations must be numerically and literally the same in both nations. But as the English customs were already appropriated to pay the English debts, and the Scots had before proposed, that neither kingdom be burthened with the debts of the other contracted before the Union, this equality was found very difficult, and next to impracticable; and this brought on the affair of an equivalent, of which hereafter.

This now run through all the heads of taxes; for there remained no question, but that an equivalent was a full compensation for any difficulty proposed; and yet the settling an equivalent here seemed no satisfaction. It was alledged, an equivalent was a national satisfaction indeed, but not a personal; that it could not relieve the particular people it oppressed, no, nor make good the damage of the particular trade it would injure; and therefore, the Scots Commissioners strove hard to avoid the taxes wholly, rather than to come into them, though with an equivalent;—but it was not to be done; there could be no other method that could make both sides equally easy.

After this had therefore been long discoursed, the Scots Commissioners came into the article of equality of excises on liquors, and the customs on exported and imported goods; the debate of what that equality was, did not lay before them, but seemed referred on both sides to the respective Parliaments, and there we shall meet with it again at large.

The customs and excises on liquors being thus settled, the Scots Commissioners excepted against all other excises and burthens, and insisted upon it as a thing Scotland was not then in a condition to come into, at least for the present, as you see it expressed in the Minutes of May 13. And it is observable the Scots Commissioners made this proposal with a great deal of candour and regard to the English, as appears by their obviating the objection which they knew would be made of the carrying salt and malt into England; for it was the particular duties on salt and malt, which they had an eye to in this proposal, in which they desired exemption for so much only as should be consumed in Scotland.

Upon this occasion the Committee was appointed to examine and state the nature of the equivalent, and on which particular articles it was to be allowed; and as this was doing, the Commissioners in their meetings, went upon the particular points of excises or taxes which were to be objected against.

The stamped paper, the births, burials, windows, &c. were without much difficulty conceded to the Scots; for as the circumstances of those duties made them improper, so the stamped duties could not have been extended to Scotland,

land, the methods and customs of which would have made it impracticable in some cases, and intolerable in others.

The duties on coals, culm and cinders, also occasioned very small debates, the Scots being no otherwise exempted from those duties, than a great part of England is, who pay no duty for all their river-borne coals; and the quantity of coals carried by sea in Scotland, is so very small as not to deserve any notice; howbeit all the coal exported from Scotland, or Scots coal expended in England, pays as in England.

The births and burial act expired, and having been grievous in England, it was not probable it should be renewed.

The hackney-coachmen's act could not concern Scotland, there being so few hackney-coaches in Edinburgh, as not to make it worth notice.

The malt and salt tax occasioned the greatest debate, the circumstances of Scotland were argued, though with great modesty and decency on either side; and the English Commissioners were soon made sensible, that, in the present circumstances of Scotland, those duties could not be borne there.

And indeed, they would have been intolerable to the poor, and not only as to the magnitude, but as the manner of taxing them had been particularly oppressive to the Scots in their trade.

1. Because they are exorbitant in their rate, being charged not upon the value, but upon the bulk of the commodity; and the goods bearing so different a value in Scotland and in England, to put the duty equal, would be to tax the Scots in three times the sum they are taxed at in England.

For example, the duty upon salt is charged by weight in general, and this being calculated in Scotland, would amount to 16s. 4d. sterling, upon 3s. value, and in England to but 16s. 4d. sterling, upon 10s. 6d. value, or thereabout; let any man state the proportion, and they will easily allow the tax to be intolerable to the Scots; since, by the same proportion, the English ought to pay 2l. 17s. 4d. for the same quantity of salt, or the Scots ought to pay but 4s. 8d. for that which by this tax is rated at 16s. 4d. and the like, though not in so great a difference for the malt.

2. The weight of the salt tax lies especially on the poor, who in Scotland live very much on salt meats, and whose differing condition from the English does not permit, nor cannot bear being taxed at all, much less equal to the English.

These arguments brought the English Commissioners to agree to an exemption for a time; the Scots Commissioners insisted upon an exemption to perpetuity; but the answer of the English Commissioners stated in the Minutes of the 13th of May is very clear, and obliged the Scots Commissioners to acquiesce.

For it could not be thought reasonable to tie up the hands of the united kingdom for ever, not to lay on such duties or taxes as the circumstances of trade and of the nation might make reasonable.

The treaters on both sides therefore acquiesced in the exemption from the other several duties during the respective terms they were given for; leaving the consideration of further exemptions to the British Parliament, what alteration this part received, and upon what consideration in the Parliament ensuing in Scotland, shall appear in its place.—

There was an objection offered here about what duties might be laid on by the very next Parliament of England, which being to sit almost at the same time with the Parliament in Scotland, and consequently before the Union could commence, might alter the state of the present duties; and so the conclusions might be all to be made over again.

But this was after some debate regulated as per the Minutes, by obliging Scotland to raise her part of the charge of the year 1707, as usual, and England her part, each separately and apart, and the several duties and funds mentioned, were to remain just as they stood at the time of the treaty.

This, and the quota of the land-tax being brought in together, was readily agreed to on both sides.

And thus this great difficulty, which was thought the most dangerous in the whole treaty, was brought into a very narrow compass; for the business was now only to state the matter of the equivalent, what it should be, and how to be disposed.

What it should be, admitted no long debate; for, as it was a payment of money, nothing but money could be an equivalent to it.

How much it was to be, depended upon matter of fact, and was reserved to exact calculation from the foot of the customs and excise.

As to the manner how it should be disposed, the Commissioners did not adjust it at all, save in generals, of which hereafter in its course.

It has been objected indeed, as an omission in the Commissioners, that they did not adjust the application of the equivalent in Scotland; but their reasons were, 1. Because they had a respect to the Parliament of Scotland, who were to come after them, and who perhaps might enter farther into that part, and indeed might claim a right, exclusive of all others, to dispose of it.

2. They were not willing to enter upon a thing in which the determination of properties might be entangled, conceiving it did not lie before them to conclude private interests, or exclude any, as they might have done, who had reason to claim upon old debts, some in King James's time, and some in King Charles's time, and the like.

3. It was thought this might raise objections against the Union in people, who,

who, being biassed by their interest, would oppose the general interest on their own particular accounts.

It was now that the Union appeared hopeful, and people began to be surprised at the success; the Queen herself, pleased with the prospect, came to the meeting, and hearing the Minutes read, expressed an extraordinary satisfaction in the steps taken by the Commissioners, and the hopes conceived of bringing this great matter to a happy conclusion.

Thursday the 23d of May, 1706.

The Lord Keeper, in name of the Lords Commissioners for England, delivered to the Board the following answer to the paper delivered by the Lords Commissioners for Scotland the 21st instant, which was read.

The Lords Commissioners for England having considered the papers delivered by the Lords Commissioners for Scotland on the 21st instant, and being desirous to remove all difficulties in this treaty, return this answer.

That whereas the Lords Commissioners for England have already consented that the kingdom of Scotland be exempted from the whole duty on stamped paper, vellum and parchment, till the 1st of August 1710, at which time one part thereof expires; the Lords Commissioners for England do now consent, that the kingdom of Scotland shall not be charged with the other part of that duty during the continuance of that duty by any act now in force.

And do agree, it was and is the intent of the Lords Commissioners for England, that the kingdom of Scotland be exempted from the payment of the duty laid on cinders, in such manner as the Lords Commissioners for England have before agreed, that the kingdom of Scotland be exempted from the payment of the duty on coal and culm.

And as to the scheme proposed by the Lords Commissioners for Scotland, for securing, that the duty on salt now payable in England, be collected in Scotland after the Union, as to all salt exported from that kingdom in kind, or provisions; the Lords Commissioners for England have thought it necessary to receive some information concerning that matter, from the officers principally concerned in the management of that duty; and until the Lords Commissioners for England can be satisfied concerning the sufficiency of these, or other methods for the end proposed, they conceive they cannot properly enter with the Lords Commissioners for Scotland on the consideration of the time, to which the exemption of Scotland from that duty shall be limited.

And as to the duty which may be laid on by the Parliament of England, before the meeting of the Parliament of Great Britain, for the service of the year 1707; the Lords Commissioners for England do agree, that the kingdom of Scotland shall not be charged with those duties, upon this consideration,
that

that the Parliament of Scotland do make the necessary provision for the public charge and service of the year 1707 in that kingdom, provided, that if the Parliament of England shall think fit to lay a further charge on the customs, or those excises, of which the Lords Commissioners for Scotland have agreed to bear equal burdens in such cases; the Lords Commissioners for England propose the kingdom of Scotland be liable to the same customs and excises, having an equivalent to be settled by the Parliament of Great Britain: And as to the quota of a land-tax for the kingdom of Scotland, proposed by the Lords Commissioners for Scotland, the Lords Commissioners for England do agree, that whenever the sum of 1,997,763*l.* 8*s.* 4½*d.* shall be enacted by the Parliament of Great Britain to be raised in England on land, and other things usually charged in acts of Parliament, for granting an aid to the Crown by land-tax, the kingdom of Scotland shall be charged by the same act with the further sum of 48000*l.* as the quota of that kingdom to such tax, and so proportionably for any greater or lesser sum raised on the kingdom of England by any tax upon land, and other things usually charged together with the land.

Adjourned to Friday the 24th instant, 5 in the evening.

OBSERVATION VII.

It is very remarkable here, that, in the exemptions from several duties in this treaty, there is a certain limitation only to the act then in force, and to the time for which these duties were then laid on.—From whence some afterward took occasion against the treaters on the Scots side, as if they had thereby tacitly consented, that those duties should be charged upon Scotland, after the expiration of the time limited.

But they that please to examine more nicely into this matter will find it quite otherwise. The English Commissioners consenting to an exemption from taxes to the Scots, for as far as the several duties debated were laid, seemed as much as could reasonably be expected they should agree to; since, to have gone farther, had been to abridge the united Parliament that was to follow, and tacitly to acknowledge what was but too frequently suggested, that they would be partial to the English, and consequently might oppress the Scots:—This was the true meaning of that part of the answer the English Commissioners gave to the Scots paper, May 18, viz. “But if the Lords Commissioners for Scotland would extend their proposal of the 13th to an exemption from all burdens and excises, which the Parliament of Great Britain may hereafter find necessary to impose on the united kingdom; the Lords Commissioners for England are of opinion, that it cannot be supposed the Parliament of Great Britain will ever lay any sort of burdens upon the united kingdom, but what they shall find of necessity at that time, for the preservation and good of the whole;

“ whole; and with due regard to the circumstances and abilities of every part
 “ of the united kingdom; and to allow of any supposition to the contrary, would
 “ be to form and set up an unanswerable argument against the Union itself.”

This was very happily foreseen, and, by this method, prevented; for nothing was more certain than that this very argument would be raised; and, in the debating this treaty in Scotland, in the Parliament there, it was one of the great pleas, and thought to be an unanswerable argument against the Union. viz. “ That the Parliament of Great Britain might, and would, being biased by
 “ the majority of votes on the English side, lay burdens on Scotland, without
 “ regard to the circumstances and ability of that part of the united kingdom.”— And it would indeed have been an unanswerable argument, if the Lords Commissioners had extended their limitations of taxes beyond the expiration of the acts which were then in being.

Therefore they resolved to leave it indefinite, only with their concessions, as reasons for, and precedents of future abatements to Scotland; and this the Commissioners of Scotland found so reasonable, as that they could not indeed object against it.—As to any duties which the Parliament then in being in England, and which were at hand to sit, viz. in October next following, it was but just to tie them up; and the English Commissioners came readily into that:—And thus they went on hand in hand, yielding to one another in every thing which might, without injury, be granted, and which might in the least contribute to the great and main end of the treaty, the Union.

And now, they having Clerks appointed to assist them in the calculations of the equivalent, which took up a great deal of time, they were obliged to adjourn the affair of funds, taxes, proportion of debts, &c. and go upon other articles in the mean time.

Friday the 24th of May, 1706.

The Lord Chancellor, in name of the Lords Commissioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commissioners for Scotland are very sensible of the care, which the Lords Commissioners for England have taken to remove difficulties in this important article, concerning common taxes and impositions; and their Lordships doubt not, that the joint desires and endeavours of the Lords Commissioners for both kingdoms will bring this treaty to a good and speedy conclusion, in every point.

And as to the particulars contained in the answer given in by the Lords Commissioners for England, the 23d instant; the Lords Commissioners for Scotland do accept the said answer as satisfying, as to the exemption of the
 kingdom

kingdom of Scotland from the duties upon stamped paper, vellum, and parchment, and upon cinders; and as to the quota of land-tax for Scotland.

And as to the article concerning the salt, the Lords Commissioners for Scotland are very well satisfied, that the Lords Commissioners for England take what time they judge needful for informing themselves, and preparing the most proper methods for securing what their Lordships proposed; the Lords Commissioners for Scotland being very ready to concur on their part.

As to the duties which may be laid on by the Parliament of England, before the meeting of the Parliament of Great Britain; the Lords Commissioners for Scotland do understand, that the said answer is intended by the Lords Commissioners for England, as an agreement to the proposal made by the Lords Commissioners for Scotland, "That that kingdom might remain exempted from "all other duties laid on by the Parliament of England before the Union, except "those consented to;" and the Lords Commissioners for Scotland do agree, that all necessary provision shall be made within the kingdom of Scotland, for the charge and service of that kingdom, during the time that shall intervene, before the meeting of the Parliament of Great Britain.

And whereas the Lords Commissioners for England do propose, that, if the Parliament of England shall think fit to lay a farther charge on the customs, or those excises, of which the Lords Commissioners for Scotland have agreed to bear equal burdens, in such cases, the kingdom of Scotland be liable to the same customs and excises, having an equivalent to be settled by the Parliament of Great Britain; the Lords Commissioners for Scotland do consent in the terms proposed.

And seeing the adjusting of the equivalent, and settling the endurance of the exemption from the duty on salt, may require some time, the Lords Commissioners for Scotland are ready, either to proceed on these matters until they be fully adjusted, or to enter on the consideration of the constitution of the Parliament of Great Britain; the reservation of laws and judicatures, or any other remaining head to be treated on, as shall be agreed by the Lords Commissioners for both kingdoms, while, in the mean time, the Committee is preparing what lies before them.

Adjourned to Saturday the 25th instant, at six in the evening.

Saturday the 25th of May, 1706.

The Lord Keeper, in name of the Lords Commissioners for England, delivered to the Board their Lordships answer to the paper delivered by the Lords Commissioners for Scotland the 24th instant, which was read.

All the matters which have hitherto been under the consideration of the Commissioners for both kingdoms, appearing by the paper delivered by the Lords

Commissioners for Scotland, the 24th instant, to be adjusted, except only the determination of the equivalent, and the time for which the exemption of Scotland from the duty on salt is to endure (both which things are put into a proper method to be brought to a conclusion), the Lords Commissioners for England are ready to receive any further proposal from the Lords Commissioners for Scotland, in order to the bringing this treaty to a speedy and happy conclusion.

Adjourned to Monday the 27th instant, at 6 in the evening.

Monday the 27th of May, 1706.

The Lord Chancellor, in name of the Lords Commissioners for Scotland, acquainted the Board that their Lordships for Scotland were preparing a proposal concerning the reservation of laws and judicatures in Scotland, after the Union, which would be ready to offer to the Board at next meeting.

Adjourned to Wednesday the 29th instant, at six in the evening.

Wednesday the 29th of May, 1706.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered to the Board the following proposal, which was read.

The Lords Commissioners for Scotland having already agreed to an equality of customs and excise upon all exciseable liquors, and to the same regulations of trade throughout the whole united kingdom, as a consequence thereof; their Lordships do now agree, that the laws concerning regulation of trade, customs and excise upon all exciseable liquors, be the same in Scotland, after the Union, as in England.

But the Lords Commissioners for Scotland do propose, that all other laws in use within the kingdom of Scotland do, after the Union, and notwithstanding thereof, remain in the same force as before, but alterable by the Parliament of Great Britain, with this difference betwixt the laws concerning public right, policy and government, and those which concern private right, That the laws which concern public right, policy, and government, may be made the same throughout the whole united kingdom; but that no alteration be made in the laws which concern private right, except for evident utility of the subjects within that part of the united kingdom now called Scotland. And as to the judicatures within Scotland, the Lords Commissioners for Scotland do propose as followeth:

That the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain, in all time coming, within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the Union; subject, nevertheless, to such regulations for the better administration of justice as shall be made by the Parliament of Great Britain.

That the Court of Justiciary do also, after the Union, and notwithstanding thereof, remain, in all time coming, within Scotland, as it is now constituted

by

by the laws of that kingdom, and with the same authority and privileges as before the Union; subject, nevertheless, to such regulations as shall be made by the Parliament of Great Britain, and without prejudice of other rights of justiciary.

That all other courts presently in being within the kingdom of Scotland do remain, but subject to alterations by the Parliament of Great Britain; and that all inferior courts, within the said limits, do remain subordinate, as they now are, to the supreme courts of justice within the same, in all time coming.

That no causes in the kingdom of Scotland be cognizable by the Courts of Chancery, Queen's Bench, Common Pleas, or any other court in Westminster-Hall; and that the said courts, or any others of the like nature, after the Union, shall have no power to cognize, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same.

That there be a Court of Exchequer in Scotland after the Union for deciding questions concerning the revenues of customs and excises, having the same power and authority as the Court of Exchequer has in England; and that the said Court of Exchequer in Scotland have power of passing signatures, gifts, tutories, and in other things, as the Court of Exchequer at present in Scotland hath; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be settled by the Parliament of Great Britain in that kingdom after the Union.

That after the Union, the Queen's Majesty and her royal successors may continue a Privy Council in Scotland, for preserving of public order and peace, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

That all heretable offices and jurisdictions, and offices or jurisdictions for life, be reserved to the owners thereof, as right of property, notwithstanding of this treaty, in the same manner as they are now enjoyed by the law of Scotland.

That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain entire after the Union, and notwithstanding thereof.

Adjourned to Thursday the 30th instant, 6 in the evening.

OBSERVATION VIII.

The reserve of judicatories in Scotland being now the debate, it is needful only to explain a few things for the information of the reader, as to the nature of those judicatories and reserves.

It was absolutely necessary to reserve the laws, courts of justice, and civil or criminal judicatories, because the respective kingdoms being governed by differing customs, rights, laws, and methods of justice, it would have infinitely embarrassed the treaty now, and the kingdoms afterward, to have made any alteration:

would have perfectly put a stop to all public justice for a time, and all the persons bred to the law in that kingdom, who had changed their laws, would have been rendered unable to practise or discharge their duty to their clients, &c. and have been, by consequence, divested of their livelihoods; these difficulties appearing so great, the English Commissioners came readily into it, only with a few restrictions. As,

1. "That all laws for the regulating trade, customs and excises be the same in Scotland after the Union as in England:" This was absolutely necessary to be done, though if they should extend the word, to all laws for regulation of trade, it might be run out to difficult extremes, and occasion an unanswerable dispute; but moderately speaking, it was absolutely necessary to prevent the confusion among officers in collecting the revenue, stating and settling the customs and excises, which were now to be extended to both countries.

2. Again, it was most necessary that their other laws should be alterable by the Parliament of Great Britain, otherwise this had been to tie up the hands of the future Constitution from making necessary provision against whatever inconveniences might happen in the government; and I mention this here, because in the tumultuary clamours raised afterwards against the treaty, and against the treaters, this was one of the great quarrels, That they had given up the laws and constitution of Scotland, and had subjected them to the arbitrary votes of a British Parliament; in which it was alledged, the majority being so much English, the Scots could expect nothing but disadvantage. But it is apparent, and was at the time of the treaty considered, that the leaving the laws of Scotland subject to alteration by the British Parliament, signified no more than leaving room for the Parliament in cases of necessity, or indeed, on all occasions, to make laws for Scotland, as should appear needful for the public advantage, always reserving their general form of law and proceedings of justice, as before; and without this, Scotland must have been miserably left without a legislature, and have had no opportunity to have helped herself in cases contingent, or have obtained any more or other laws for the rectification of any of the common abuses of her government, which it seems these objectors did not think it worth their while to consider.

And that this alone was the meaning of these words, "Alterable by the Parliament of Great Britain," and that it was understood so on both hands, is evident from the very words of the proposal of the Scots Commissioners, when they propose the alternative between public and private right,— "with this difference betwixt the laws concerning public right, policy and government, and those which concern private right; that the laws which concern public right, policy and government, may be made the same throughout the whole united kingdom; but that no alteration be made in the laws which concern

" private

“ private right, except for evident utility of the subjects within that part of the
 “ united kingdom now called Scotland.”

The three next articles do also still more evidently confirm this, viz. “ That
 “ the Court of Session, or College of Justice, do, after the Union, and not-
 “ withstanding thereof, remain in all time coming within Scotland, as it is now
 “ constituted by the laws of that kingdom, and with the same authority and pri-
 “ vileges as before the Union; subject nevertheless, to such regulations for the
 “ better administration of justice, as shall be made by the Parliament of Great
 “ Britain.

“ That the Court of Justiciary do also, after the Union, and notwithstanding
 “ thereof, remain in all time coming within Scotland, as it is now constituted
 “ by the laws of that kingdom, and with the same authority and privileges as
 “ before the Union; subject nevertheless, to such regulations as shall be made
 “ by the Parliament of Great Britain, and without prejudice of other rights
 “ of justiciary.

“ That all other courts presently in being within the kingdom of Scotland,
 “ do remain, but subject to alterations by the Parliament of Great Britain; and
 “ that all inferior courts within the said limits do remain subordinate, as they
 “ now are, to the supreme courts of justice within the same, in all time
 “ coming.”

Now it was thought most irrational to argue, that the laws and constitution
 of justice in Scotland was in this treaty given up to the English; when, as by
 these articles, the courts of justice, and the general form of administration, such
 as the session, justiciary, and all other courts, were to remain in force for ever,
 or in all time coming.

And yet, as if this had not been enough to secure the Scots from this fear,
 the Commissioners for Scotland form the negative, and in it enter on the parti-
 culars, viz. “ That no causes in the kingdom of Scotland be cognizable by
 “ the Courts of Chancery, Queen’s Bench, Common Pleas, or any other courts
 “ in Westminster Hall, and that the said courts, or any other of the like
 “ nature, after the Union, shall have no power to cognize, review, or alter the
 “ acts or sentences of the judicatures within Scotland, or stop the execution of
 “ the same.”

The Privy Council indeed was left to the Queen to dissolve or continue, as
 her Majesty might see cause;—but that was by the treaty subject to Parlia-
 mentary determination; and how the Queen referred it to the Parliament, will
 appear in its course.

Nay, the treaters were so tender of this general invading the particulars, that
 they took care to exempt private jurisdictions and properties from the power

or cognizance of Parliament, which is what is not done in England, and which it has been thought, even in Scotland too, had been better left to the Parliament, in time, to have dissolved, giving satisfaction to the parties concerned; I mean such as heretable offices, jurisdictions for life, &c.

All these provisions were so exactly stated, and so forcible in themselves, and the Scots Commissioners had so shown both their capacity in the affairs of Scotland, and their candour in respect to Union, in the great affair before them, that the English Commissioners made no objection, but agreed to it, as they, the Scots Commissioners, had brought it in, without any amendment.

And this formed the 18th, 19th, 20th, and 21st articles of the Union, which were so clearly digested, that they admitted little or no debate afterwards in the Parliament of Scotland, where all the rest passed the strictest scrutiny, and almost a fiery trial.

Thursday the 30th of May, 1706.

The Lord Keeper, in name of the Lords Commissioners for England, delivered to the Board the following answer to the proposal made by the Lords Commissioners for Scotland the 29th instant, which was read.

The Lords Commissioners for England having considered the several proposals contained in the paper delivered the 29th instant, by the Lords Commissioners for Scotland, and being extremely desirous to bring this treaty to a speedy and happy conclusion, do agree to the same, reserving still the consideration of the Courts of Admiralty of Scotland to the further progress of this treaty.

Adjourned to Saturday the 1st of June, 1706, 6 in the evening.

Saturday the 1st of June, 1706.

The Lord Keeper, in name of the Lords Commissioners for England, acquainted the Board, that their Lordships for England were preparing some proposals, which would be ready to offer to the Board at the next meeting.

Adjourned to Wednesday the 5th instant, six in the evening.

Wednesday the 5th of June, 1706.

The Lord Treasurer, in name of the Lords Commissioners for England, delivered to the Board the following answer to the proposal offered by the Lords Commissioners for Scotland the 21st of May past, which was read.

The Lords Commissioners for England having taken into consideration the proposals delivered in to them the 21st day of May last by the Lords Commissioners for Scotland, for the effectual preventing the exportation of Scots salt to England or the Plantations, without paying the same excises with which English salt is charged, during the exemption allowed to Scotland from the said duty, do give the following answer to the several proposals therein.

1. As to the first article of the said proposal, viz. that no salt be transported from

from Scotland to England by land under the penalty of forfeiting the salt, and the horses used in transporting it, and paying ten shillings for every bushel of salt so transported, for which the carriers, as well as the owner, shall be liable conjunctly and severally, and the carrier be imprisoned until the said penalty be paid.

The Lords Commissioners for England do agree to the same with the alterations following, viz. that no salt be transported from Scotland to England by land in any manner whatsoever, under the penalty of forfeiting the salt, and the cattle and carriages made use of in transporting it, and paying twenty shillings for every bushel of such salt, and proportionable for a greater or lesser quantity, for which the carrier, as well as the owner, shall be liable conjunctly and severally, and the persons carrying the same to be imprisoned by any one justice of the peace by the space of six months, without bail or main-prize, and until the penalty be paid.

2. As to the second article relating to salt water-borne, to be carried from port to port in Scotland, and salt exported from Scotland to England or the Plantations :

The Lords Commissioners for England, as to that part of it which relates to salt water-borne, to be carried from port to port in Scotland, do agree to the same.

And as to that part of the said proposal which relates to salt exported from Scotland to England by sea, the Lords Commissioners for England do propose, that there shall be paid in England, for all salt made in Scotland, and imported from thence into England, the same duty upon the importation as shall be paid for salt made in England, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in England; and if any other salt which is not made in Scotland, shall be imported from thence into England, the same to be charged with the duties on foreign salt imported into England, to be levied and secured in the same manner.

And as to the last part of the said article relating to salt exported from Scotland to the Plantations:

The Lords Commissioners for England do not insist that any duty ought to be paid for the same, or for salt exported from Scotland to any other foreign place whatsoever, in regard, that upon the exportation of salt from England to the Plantations, or any other foreign parts, the duty before paid for the same, is to be repaid.

3. And as to that part of the last article of the said proposal, which relates to salted fish exported from Scotland into England :

The Lords Commissioners for England do propose, that for all such fish there shall be paid in England, upon the importation thereof, such sums of

money as by the law relating to the duties upon salt in England are allowed, and re-paid to the exporter thereof upon exportation of the like fish from England to foreign parts, in regard all salt used in fish cured and consumed in England is liable to duties of the same value; and in case the said fish shall be re-exported from England, the duties paid for the same, upon importation thereof, shall be re-paid.

And as to all salted fish exported from Scotland to any other place, the Lords Commissioners for England do not insist that any duty shall be paid in Scotland for the salt used therein, in regard, upon the exportation of such fish from England to any foreign parts, the exporter thereof hath an allowance out of the duties on salt, of so much money as the duty of the salt used in curing such fish amounts to.

And as to that part of the said article which relates to salted flesh exported from Scotland, in regard all salted flesh consumed in England, or made use of for victualling of ships there, or exported from England to parts beyond the seas, is cured with salt, for which the duty on salt is paid in England, and not re-paid upon exportation of any such flesh from England, and there being so much salt used in the curing one hundred weight of flesh (each hundred weight being computed at one hundred and twelve pound weight) as the duty thereof payable in England amounts to two shillings:

The Lords Commissioners for England do propose, that there be paid in England, upon the importation of every such hundred weight of flesh from Scotland, two shillings; and that before such flesh is so exported from Scotland, an entry be made at the custom-house of the port of exportation in Scotland, of the quantity of flesh so to be exported, and the port in England for which the same is bound, and security given by bond to her Majesty, at the said port of exportation in Scotland, that the said flesh shall be landed at the port in England for which the same shall be so entered, or at some other port in England, the danger of the seas and enemies excepted; which bond shall be delivered up upon producing a certificate from the collectors or officers of the customs of the port of importation in England, that such flesh was landed and left at the said port. And that the duty of two shillings be paid in Scotland for all salted flesh made use of for victualling of ships there, or exported from thence to any other parts besides England: and that no salted flesh be brought into England from Scotland by land, under the penalty of forfeiting the same, or the value thereof, and the cattle and carriages employed in carrying thereof, and of the like imprisonment as they have before proposed, in case of salt brought from Scotland to England by land.

And if any frauds shall hereafter appear, which are not sufficiently provided against by the foregoing proposals, the Lords Commissioners for England do

propose, the same shall be subject to such further provisions as shall be thought fit by the Parliament of Great Britain.

And whereas the Lords Commissioners for England did, in their paper delivered the 15th of May last past, consent, that the kingdom of Scotland should, for a competent time, remain exempted from payment of the duty on salt, for all the salt spent in kind, or used in provisions spent within that kingdom: the Lords Commissioners for England do now propose, that the kingdom of Scotland shall remain exempt from payment of that duty for all salt spent in kind, or used in provisions within the said kingdom, for the term of seven years after the Union, upon the Lords Commissioners for Scotland agreeing to the proposals above-mentioned.

The Lord Treasurer, in name of the Lords Commissioners for England, also delivered to the Board the following proposal, which was read.

That all admiralty jurisdiction be under the Lord High Admiral of Great Britain, or Commissioners for the Admiralty of Great Britain for the time being; and that appeals from the High Court of Admiralty of Great Britain to be to the Queen, in the same manner as is now settled in England.

Adjourned to Friday the 7th instant, 6 in the evening.

Friday the 7th of June, 1706.

The Lord Chancellor, in name of the Lords Commissioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commissioners for Scotland do agree to the proposal contained in the answer delivered by the Lords Commissioners for England the 5th instant, concerning the effectual preventing the exportation of Scots salt from Scotland to England, without paying the same excises with which the English salt is charged during the exemption allowed to Scotland from the said duty, with the following alterations:

1. As to that part of the second article, viz. that if any salt which is not made in Scotland shall be imported to England from thence, the same to be charged with the duties of foreign salt imported into England, to be levied and secured in the same manner: The Lords Commissioners for Scotland do understand, that it is not the meaning of the Lords Commissioners for England, by the said proposal, to lay a double duty on foreign salt, exported from Scotland to England, once to be exacted at importation of the said salt into Scotland, and the like duty at the importation into England from Scotland, but that the foreign salt imported into Scotland be charged, at the importation there, with the same duties after the Union, as the like salt is charged with, being imported into England, to be levied and secured in the same manner: and for further security in that case, the Lords Commissioners for Scotland do propose, that certificates be sent with foreign salt, exported from Scotland into

England, from the Custom-Office in Scotland, where the said foreign salt was first imported, to the Custom-Office in England, where the said salt shall happen to be transported, bearing the payment of, or security given for the duties at the said port, under this penalty, that foreign salt exported from Scotland into England without such certificates, shall be confiscated.

2. As to the third article relating to salted fish or flesh, exported from Scotland into England, and salted flesh made use of for victualling of ships in Scotland, or exported from Scotland to parts beyond the seas: the Lords Commissioners for Scotland do apprehend, that the said articles do only concern such fish and flesh as is cured in whole or in part with Scots salt, there being an obvious difference betwixt the case of these, and of such fish and flesh, exported from Scotland to England, as is wholly cured with foreign salt, in regard that foreign salt is to pay the like duty as in England at importation into Scotland, and therefore ought not to pay a second duty.

And the Lords Commissioners for Scotland do propose, that if the duty on salt take place in Scotland, after the expiration of seven years, during which time the exemption is agreed to, that then the kingdom of Scotland shall have an equivalent.

The Lord Keeper, in name of the Lords Commissioners for England, delivered to the Board the following proposal, which was read.

The Lords Commissioners for England being extremely desirous to come to a speedy conclusion of the present treaty, for an Union of the two kingdoms, and it having been already agreed, that the united kingdom be represented by one and the same Parliament; their Lordships have turned their thoughts to consider what may be a proper and reasonable number for the Representative of Scotland in the House of Commons of the united Parliament; and do propose to the Lords Commissioners for Scotland, that thirty-eight persons be the number by which that part of the united kingdom, now called Scotland, shall be represented in the House of Commons, whenever a Parliament shall be called in Great Britain.

Adjourned to Tuesday the 11th instant, 6 in the evening.

Tuesday the 11th of June, 1706.

The Lord Chancellor, in name of the Lords Commissioners for Scotland, delivered to the Board the following answer to the proposal made by the Lords Commissioners for England on the 5th instant, which was read.

The Lords Commissioners for Scotland, in answer to the proposal delivered by the Lords Commissioners for England on the 5th instant, concerning the Admiralty, do agree that all Admiralty jurisdiction be under the Lord High Admiral of Great Britain, or Commissioners of Admiralty of Great Britain
for

for the time being; and as to that part of the said proposal, which concerns appeals from the High Court of Admiralty, the Lords Commissioners for Scotland do propose,

That the Court of Admiralty now established in Scotland be continued, and that all reviews, reductions, or suspensions of their sentences in maritime cases, competent to their jurisdiction, remain in the same manner after the Union, as now in Scotland, until the Parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole united kingdom, providing there be always continued in Scotland a Court of Admiralty, such as is in England, for determination of all maritime cases relating to private right in Scotland, competent to the jurisdiction of the Admiralty Court.

And the Lords Commissioners for Scotland do further propose, that the heretable rights of Admiralty and Vice Admiralties be reserved to the respective proprietors, as rights of property.

The Lord Chancellor did also, in name of the Lords Commissioners for Scotland, deliver to the Board the following paper, which was read.

The Lords Commissioners for Scotland having considered the proposal made by the Lords Commissioners for England the 7th instant, viz. that thirty-eight persons be the number, by which that part of the united kingdom, now called Scotland, shall be represented in the House of Commons, whenever a Parliament shall be called in Great Britain; do find such difficulties in that matter, that they are under a necessity to propose a conference betwixt the Lords Commissioners for both kingdoms on that subject, in which their Lordships doubt not, but to satisfy the Lords Commissioners for England, that a greater number than is mentioned in the said proposal will be necessary for attaining the happy Union of the two kingdoms, so much desired on both sides; and the Lords Commissioners for Scotland are willing now to enter on the said conference, or when the Lords Commissioners for England will please to appoint.

The Lords Commissioners for England withdrew, and being returned, the Lord Keeper acquainted the Board, that the Lords Commissioners for England do agree to a conference with the Lords Commissioners for Scotland, upon the subject contained in the paper delivered by the Lords Commissioners for Scotland, at this meeting, and that the said conference be the morrow at six o'clock in the afternoon.

Adjourned to Wednesday the 12th instant, 6 in the evening.

Wednesday the 12th of June, 1706.

The Lords Commissioners of both sides entered upon the conference desired by the Lords Commissioners for Scotland the 11th instant, concerning the Representative

representative for Scotland in the House of Commons, in the united Parliament of Great Britain, and the conference being over.

Adjourned to Friday the 14th instant, 6 in the evening.

Friday the 14th of June, 1706.

The Earl of Mar, in name of the Lords Commissioners for Scotland, delivered to the Board the following answer to the proposal made by the Lords Commissioners for England the 7th instant, which was read.

The Lords Commissioners for Scotland having considered the proposal delivered by the Lords Commissioners for England on the 7th instant, with the conference that followed on the subject of that proposal; their Lordships are hopeful, that the Lords Commissioners for England are convinced of the real difficulties occurring in that matter on the part of Scotland; and the Lords Commissioners for Scotland do find themselves still under an absolute necessity, for bringing to a happy conclusion the Union of the two kingdoms, to insist, that a greater number than that of thirty-eight be agreed to, as the Representative for Scotland in the House of Commons in a Parliament of Great Britain.

The Lord Keeper, in name of the Lords Commissioners for England, delivered to the Board the following answer to the proposal made by the Lords Commissioners for Scotland the 11th instant, which was read.

The Lords Commissioners for England having considered the paper delivered in by the Lords Commissioners for Scotland on the 11th instant, concerning Admiralty jurisdiction, do agree to the first proposal therein contained, with this addition,

That the Admiralty Court proposed to be continued in Scotland after the Union, shall be subject to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain.

The Lords Commissioners for England do likewise agree to the second proposal in the said paper contained, touching heretable rights of Admiralty and Vice-Admiralties in Scotland, with this provision, viz.

That these heretable rights, as to the manner of exercising the same, shall be subject to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain.

Adjourned to Saturday the 15th instant, one o'clock.

OBSERVATION IX.

There were some debates, and a little time spent about the matter of the Admiralty, but it was soon adjusted, and needs no remark on it; only as to the matter of appeals to England, which however were found necessary, and agreed to with some little trouble.

But here had like to have happened a difficulty about appeals in causes of private

private right in Scotland :—before the Union, appeals in law lay from the Lords of Session to the Parliament ; and the House of Peers of Great Britain being now to be the sovereign judicature of Great Britain, there could be no appeals but to them in Parliament : This it was thought would be a grievance, by reason of the distance of place, the expence of travelling, and the charge of prosecuting those trials at the Bar of the House of Peers.

It was objected, that the Scots Peers could not be allowed to vote in matters of judicature, either in civil or criminal cases in England ; and they gave a seeming substantial reason for it, viz. that the Scots reserving their judicature, session and justiciary to themselves, in which the English have no voice, it would be unreasonable to desire the Scots should be let into that in England, which is reserved from the English in Scotland.

But to this it was answered,

“ The Lords in England, as Peers assembled in Parliament, as they were before the sovereign judicature of England, would after the Union be, together with the sixteen Scots Peers, the only sovereign judicature of Britain, and have their voices in the judicature of Scotland, as well as of England ; if this be made out, then the objection against the Scots noblemen voting in judicial matters in England, would by consequence fall to the ground.”

The judicature of the Lords consists in their trying their own members for life, and in determining the proceedings of all the other courts of justice in the nation ; an appeal going to them from all other judicatures whatsoever, whether before or after judgment.

In trials of Peers, 'tis plain, by this Union the English Lords will have a vote in the Scots judicature, since they will have the power to try all the Scots Peers for their lives or otherwise, in any case wherein they shall become obnoxious to the law.

And as to appeals, it was therefore absolutely necessary they should lie before the House of Lords, they being the only supreme judicature ; and to have had appeals before any other, had been to have two supremes, unless commissioned by them ; and if commissioned by them and made certain, they had been too inferior, and also not to be depended upon in matters of such moment. To solve this difficulty, a short scheme was handed about for the regulating that point, so as to vest the whole authority of the law judicially in the British Peers in Parliament, and settle the essential part in them, without nevertheless imposing the trouble upon the Scots of coming up with their causes to the Lords Bar, which would be intolerable.

The scheme was as follows :

The Scots have now an appeal from the Lords of Session, which are their judges of assize, or whatever else they may call them.

This

This right of appeal must not die, though the Parliament before whom it lies is dissolved, but must devolve upon that power, to which as the center of the whole, their Parliament devolves, viz. the Parliament of Britain; otherwise, should the right of appeal die, which is one article of the Scots claim of right, they endanger their property, and may upon a thousand not unlikely circumstances revert to tyrannic power, and even a Parliament may not help them.

The right of appeal being not dissolved, but transferred to the general center of power, where, or on which branch of that power must it reside? not in the Commons; that would be to make them a court of judicature, which they do not pretend to, and cannot by their constitution accept.

Not to the select number of Scots representatives; that would be to give them more power than the English representatives; one having a judicial authority, the other not.

Not to a number chosen by the Scots, that would be a new creation, and be a reserve of some power superior even to the general supreme power of Parliament, and many ways give umbrage of a possibility of return to a separate constitution, which would be really inconsistent with a national incorporated Union, and capable of keeping on foot continual jealousies, complaints, and discontents among us, and might some time or other break out into a rupture again, and unravel the very Union itself.

To regulate this, we must fly to one general maxim, which we must adhere closely to in all matters of this dispute, viz. That the great center of power whether civil or criminal is, and is to be lodged in the Parliament then to be called the Parliament of Great Britain.

The judicial power in Scotland is immediately in the session, as it is in England in the judges; the Lords of the Session in Scotland, as the judges in England, receive their commissions from the Sovereign, and in her name, and by her authority; though by special law obtained in both kingdoms, they are so fixed as that they cannot be turned out but upon misbehaviour.

From the session in Scotland, and all acts, sentences or decreets, there lies an appeal to the Parliament, who sitting in one House are the sovereign judicature of the nation, as well Commons as Lords: from the Judges in England appeals lie to the Chancery, and from thence to the House of Lords as the supreme judicature of this nation.

But both Parliaments being to be incorporated into one, as both nations by consequence will be one, so the public justice must run in the same channel, and the appeals of both kingdoms lie before the British Peers only, as that sovereign ocean of justice into which all the streams must flow.

But to the end that Scotland may, as far as may be, be eased in that inconveniency, which her distance from the capital may bring upon her, and in which she suf-

fers otherways deeply enough, appeals from the courts of justice in Scotland, may be tried in Scotland.

A Court of Appeals may be erected in Scotland, delegated from the Peers of Britain assembled in Parliament, to be named annually or triennially, or every session, or otherwise, as in the treaty of Union shall be agreed.

These delegates to be named out of the Scots nobility and gentry, to be chosen by ballot, or by the usual way of voting in the House of Peers.

That they should be Scots is but equal, as they are only to judge of causes in Scotland, and is agreeable to the constitution of England, which causes all trials at law to be tried in the county where the party dwells, and to be determined by a jury of the freeholders or inhabitants of that particular county, and of no other.

And yet this does no way lessen the authority of the Parliament, but preserves the title of the Lords here to a voice even in the supreme judicature of Scotland.

This scheme, as it entitles the Parliament of united Britain to its full and compleat jurisdiction; so it preserves the right of appeal to the Scots; prevents the expensive proceedings of carrying their appeals to England, and takes away all the force of the objection against the Scots noblemen having a voice in the English judicature.

Thus the Union, in point of judicature, may still be compleat, and the general incorporation not at all obstructed; the course of justice left free and open, and both nations equally concerned in it.

The English Peers are let into the sovereignty of the Scots judicature, as well as of their own; and the Scots let into all the necessary privileges, which the right of their peerage, and the nature of an incorporated equality requires.

There were reasons to be given why this proposal was not farther entered upon, though both sides approved of the method, some of which were perhaps such as these.

1. That one side were willing enough to have all appeals come to England.
2. Others willing to have as few as possible made at all; and supposing that the inconveniencies of pursuing an appeal to England would incline people rather to acquiesce; and make the judgment of the Session more definite.—But these things by the way.

Saturday the 15th of June, 1706.

The Earl of Mar, in name of the Lords Commissioners for Scotland, delivered to the Board the following answer to the paper delivered by the Lords Commissioners for England, the 14th instant, which was read.

The Lords Commissioners for Scotland, having considered the paper delivered by the Lords Commissioners for England, on the 14th instant, concerning Admiralty jurisdictions, do agree to the same.

The Lord Keeper, in name of the Lords Commissioners for England, delivered to the Board the following paper, which was read.

The Lords Commissioners for England, having taken into consideration the reply delivered the 7th instant, by the Lords Commissioners for Scotland, to the answer of the Lords Commissioners for England to the proposal made by the Lords Commissioners for Scotland the 21st May last, for the effectual preventing the exportation of Scotch salt to England, or the Plantations, without paying the same excises with which English salt is charged, during the exemption allowed to Scotland from the said duties, and as to salted provisions :

As to that parts of the reply which relates to the second article in the said answer, concerning salt not made in Scotland, imported from thence into England ; the Lords Commissioners for England did not intend, that a double duty should be laid on foreign salt exported from Scotland to England ; and therefore the Lords Commissioners for England do agree to the proposal in the said reply, that all foreign salt, imported into Scotland, be charged at the importation there with the same duties, after the Union, as the like salt is charged with, being imported into England, to be levied and secured in the same manner, and to the farther security, by certificate therein proposed, to be sent with foreign salt exported from Scotland into England.

And as to that part of the said reply, which relates to the third article in the said answer, touching salted fish or flesh exported from Scotland into England, and salted flesh made use of for victualling of ships in Scotland, or exported from Scotland to parts beyond the seas ; it appearing by the said proposal delivered by the Lords Commissioners for Scotland the 21st May last, that all fish and flesh barrelled in Scotland, for exportation, are, by the law of Scotland, appointed to be packed and cured with foreign salt, without any mixture of Scots salt, the Lords Commissioners for England do not insist on the said third article in their said answer, provided it be agreed, that all salted fish or flesh, exported from Scotland to England, and all salted flesh made use of for victualling of ships in Scotland, or put on board, to be exported from Scotland to parts beyond the seas, that shall appear to be salted with Scots salt, or a mixture of such salt, shall be forfeited, and as such may be seized in England or Scotland.

As to the last part of the proposal of the Lords Commissioners for Scotland, that, if the duty on salt take place in Scotland, after the expiration of seven years, that then the kingdom of Scotland shall have an equivalent ; the Lords Commissioners for England do understand, that the equivalent is only to be extended to such part of the duties as shall be applied to the payment of the debts of England.

The

The Lord Keeper did, also, in the name of the Lords Commissioners for England, deliver to the Board the following proposal, which was read.

The Lords Commissioners for England, being assured by the Lords Commissioners for Scotland, that there will be found insuperable difficulties in reducing the representation of Scotland, in the House of Commons of the united kingdom, to thirty-eight members, the number formerly proposed by the Lords Commissioners for England, do, to shew their inclinations to remove every thing that would of necessity be an obstruction to the perfecting the Union of the two kingdoms, propose to the Lords Commissioners for Scotland, that forty-five members, and no more, be the number of the representatives for that part of the united kingdom now called Scotland, in the House of Commons of the united kingdom, after the intended Union.

And there being an absolute necessity that the number of Peers to be admitted into the House of Lords of the united kingdom, for that part of the united kingdom now called Scotland, be regulated in proportion to the number to be admitted into the House of Commons; do propose, that sixteen Peers be the quota of Scotland in the House of Peers of the Parliament of the united kingdom, after the intended Union.

Adjourned to Tuesday the 18th instant, 6 in the evening.

Tuesday the 18th of June, 1706.

The Earl of Mar, in the name of the Lords Commissioners for Scotland, delivered to the Board the following answer to the proposal made by the Lords Commissioners for England the 15th instant, which was read.

The Lords Commissioners for Scotland having considered the paper delivered by the Lords Commissioners for England the 15th instant, containing a proposal that forty-five members be the number of the representatives of that part of the united kingdom now called Scotland, in the House of Commons of the united kingdom, after the intended Union; and that sixteen Peers be the quota of Scotland in the House of Peers, in the Parliament of the said united kingdom: and being most desirous to concur in what is further necessary to finish this treaty, and at the same time sensible of the difficulties on the part of the Lords Commissioners for England in that matter, do not insist for greater numbers (by virtue of this treaty) of representatives in the House of Peers and the House of Commons in the Parliament of Great Britain, than these proposed by the Lords Commissioners for England; providing that all the Peers of Scotland, and their successors to their honours and dignities, be, from and after the Union, reckoned and declared Peers of Great-Britain, and that they enjoy, in their respective degrees and orders, all other titles, dignities, pre-eminencies,

eminencies, immunities and privileges whatsoever, as fully and freely as the Peers of England do at present, or the Peers of Britain may enjoy hereafter.

And the Lords Commissioners for Scotland do further propose, that the Peers of Scotland for that time being, and their successors, do, at and after the Union, according to their different degrees and orders, enjoy the rank and precedence of all Peers to be thereafter created of the like orders and degrees in the said united kingdom.

Adjourned to the 19th instant, 12 o'clock.

OBSERVATION X.

There was now the only remaining difficulty of the Union before them, and this was the consequence of the third article, viz. "The uniting the Parliament;" and how to state the proportion of the representative was the present case.

The difficulty was double, not only how to draw the proportion so as might consist with the equalities spoken of before, which were the foot or rule of the treaty, but how to draw it so, as that either Parliament, who were to confirm this work, should be rationally supposed to come into it.

Abundance of schemes were proposed for this, as men's fancies guided them, and the debates without doors were much warmer than those within; however, as it was a thing which required particular application, so it was the best step that could have been taken, by way of preliminary, to propose a conference, wherein both sides had full scope to deliver their arguments and reasons in the case; since, to have gone on by proposals and answers in writing, would have taken up more time than was needful to be spent in such an affair, and have kept it depending; whereas both sides were pleased with the hopes, and both the kingdoms big with expectation of the success of this treaty, and the conclusion of the long-expected Union.

There was no occasion to look far back into former years for help in this calculation; there was but one precedent in the whole world from which any scheme could be drawn, and that was in the transient Union made by Oliver Cromwell; in which, as I have noted before, he brought every thing by a scale of proportions to a point, as things then stood.

This model of a representative was taken from the scheme of proportions, upon which he had formed his taxation, in which Scotland being rated at about a 13th part of the land tax, had also allowed her about a 13th part of the representative, as follows:

England was taxed at 70,000*l.* per menssem, and was represented in Parliament by 400 members.

Scotland

Scotland was taxed at 6,000*l.* per mens^m, and was represented in Parliament by 30 members.

Now abating a few fractions, which, in dividing persons, cannot be exactly observed, it is plain, 30 to 400, is very near what 6,000*l.* is to 70,000*l.* as follows :

Thirteen times 30 is 390 members, and 13 times 6000*l.* is 78,000*l.* whereas one is 8,000*l.* over in the money, so the other is 10 under the representative.

I will not say this was the most equal judgment that ever was made of this kind as to Scotland ; but I may be allowed to say, that with respect to England it was certainly the most equal distribution of elections that ever was, and much beyond our present method ; for in this scheme the disproportion of numbers was taken away, and the election of members to represent ruined heaps, decayed castles, and depopulated towns, was let fall : but of this by the way,

The present calculation was not very remote from this, in effect, though not built upon the same foot : and it was very rationally argued here, that the proportion could not be taken barely from the share of taxes paid, which was the scheme which most of the politicians of that time pretended to go upon ; but that the proportion must be doubly calculated ; which, if it be examined, and were to be applied in Holland, and other parts of the world, must have been done.

For instance, The share in taxes,—and the number of the people.

If, on one hand, the share of taxes may be low, yet the number of people great ; or, on the other hand, the share of taxes high, and the people few, the extremes are to bear their weight in the proportion.

Thus, though the Scots, by this Union, paid but 48,000*l.* for Scotland to 1,997,000*l.* English, which was about $\frac{1}{40}$ part, forty times 48,000*l.* being 1,920,000*l.* to have argued from thence, that they should have but thirteen members, which, to the House of Commons, is $\frac{1}{39} \frac{6}{33}$ part of 513 :—This would appear ridiculous.

Again, if you take an estimate of the people of both nations, we shall find Scotland esteemed to contain two millions, and England, at the highest calculation, under six ; and this brings Scotland to a third part of the members, which would be extravagant the other way, and oblige them to send 171 members to the House.

But, if you set these extremes against one another, it will appear that a tenth of the representative answered as nigh to an equality, as such a thing could well be reduced to ; and, on this foot, the Scots Commissioners were supposed to be near the matter, when they desired fifty members might be the representative for Scotland.

However

However this was, the English Commissioners having proposed thirty-eight, as by the minutes, a conference was agreed to.

And here the Commissioners sincerely and candidly applied themselves to one another, debating not only the reasons and proportions on either hand, but the temper and circumstances of either nation; so, if possible, to accomodate themselves to both; and to consider not only what was equal, but also what was likely to take place in the minds of the respective Parliaments, which were to debate it after them; of which none knew the difficulties better than themselves. Neither were these things fit to have been the subject of minutes, which, in time, were to be supposed, would be made public, and be canvassed, on either side, by the most critical heads of two nations, and particularly by those, in both the nations, whose study it would be, to oppose and obstruct the Union.

And indeed, in this prudence of the Commissioners consisted the best prospect of bringing this treaty to a happy conclusion.

The conference was happy in its success; the English Commissioners were convinced by the reasons given on the other side; they saw the difficulties which the Scots Commissioners represented lay before them; and regarding the end of their meeting, which was to contribute, as much as in them lay, to unite the two kingdoms, they advanced their number to forty-five, and gave their reasons and difficulties, on the other hand, positively determining the point, that they could go no farther: upon which, the Scots Commissioners, from the same zeal for bringing the treaty, which was now in so happy a forwardness, to a conclusion, acquiesced.

As to the number of Peers, there was no room to debate, since the number proposed, which was sixteen, was a full proportion to the other, and had more of an equality in it a great deal, than any other part of the treaty; especially considering, that several of the Scots Peers then were Peers of England, and hereafter might become Peers of Great Britain by creation.

And thus this great difficulty was also happily got over, and now the Union began to shew itself, and people on every hand began to expect it should be completed in a few days.

Wednesday the 19th of June, 1706.

The Lord Treasurer, in name of the Lords Commissioners for England, delivered to the Board the following paper, which was read.

The Lords Commissioners for England, having considered the two proposals made by the Lords Commissioners for Scotland, in their paper delivered the 18th instant, do agree to the same, with the following explanation, that all the Peers of Scotland, and their successors to their honours and dignities, be, from and after the Union, reckoned and declared Peers of Great Britain, and that they enjoy, in their respective degrees and orders, all other titles, dignities,
pre-

pre-eminencies, immunities, and privileges whatsoever, as fully and freely as the Peers of England do at present, or the Peers of Britain may enjoy hereafter; provided, that no Peer, who shall not then have the right to sit in Parliament, shall be capable of sitting upon the trial of any Peer; and also, that no Peer, not having right to sit in Parliament, shall have privilege of Parliament.

And also, that the Peers of Scotland for the time being, and their successors, do, at and after the Union, according to their different degrees and orders, enjoy the rank and precedency of all Peers to be thereafter created of the like orders and degrees in the united kingdom: Provided always, that it be understood, that all persons who shall be Peers of England, at the time of the Union, shall for ever enjoy that rank and order of precedence of their respective degrees, before the same degrees of the Peers of Scotland.

The Lord Treasurer did also, in name of the Lords Commissioners for England, deliver to the Board the following proposal, which was read.

The Lords Commissioners for England do propose, that from and after the Union, the coin shall be of the same standard and value throughout the united kingdom, as now in England, and the same weights and measures shall be used throughout the united kingdom as are now established in England.

The Lord Treasurer did likewise, in name of the Lords Commissioners for England, deliver to the Board the following proposal, which was read.

The Lords Commissioners for England do propose, that all laws and statutes in either kingdom, which are contrary to, or inconsistent with the terms agreed on for uniting the two kingdoms, shall be repealed, and made void.

Adjourned to Friday the 21st instant, 12 o'clock.

Friday the 21st of June, 1706.

The Earl of Mar, in name of the Lords Commissioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commissioners for Scotland do agree to the proposal contained in the paper delivered by the Lords Commissioners for England the 15th instant, concerning the duty on salt, with this explanation, as to the last paragraph thereof, about the equivalent, that seeing the whole duties on salt are already appropriated for payment of the debts of England, the Lords Commissioners for Scotland do understand, that whenever the duties upon salt shall take place in Scotland, the sums thence arising will be applicable to the payment of the debts of England, and thereby, there will be an equivalent due to Scotland, for the whole duties to be levied on salt there.

The Earl of Mar did also, in name of the Lords Commissioners for Scotland, deliver to the Board the following paper, which was read.

The Lords Commissioners for Scotland do agree to the proposal contained in the answer delivered by the Lords Commissioners for England, concerning the

Peers

Peers of Scotland, with this further explanation; the Lords Commissioners for Scotland do understand, that by the explanation contained in the said paper delivered by the Lords Commissioners for England, all the Peers of Scotland are to be tried as Peers of Great-Britain, and enjoy all privileges of Peerage, excepting that of sitting in the House of Lords, and the privileges depending thereon, to which sixteen Peers, to be sent from time to time from the Peers of Scotland to the House of Lords of Great Britain, are only entitled; and the Lords Commissioners for Scotland do propose, that in the trials of Peers in time of adjournments or prorogations of Parliament, the sixteen Peers, who do then represent the Peers of Scotland, shall be summoned in the same manner, and have the same powers and privileges in such trials, as any other Peers of Great Britain, and that in the trials of Peers when there is no Parliament in being, the sixteen Peers, Representatives from Scotland in the former Parliament; shall be called in the same manner, and have the same powers and privileges.

The Earl of Mar delivered also, in name of the Lords Commissioners for Scotland, to the Board the following paper, which was read.

The Lords Commissioners for Scotland having considered the proposal delivered by the Lords Commissioners for England the 19th instant, viz. that from and after the Union, the coin shall be of the same standard and value throughout the united kingdom as now in England, and the same weights and measures shall be used throughout the united kingdom as are now established in England; the Lords Commissioners for Scotland do agree to the same, providing that consideration be had to the losses private persons may sustain in reducing the coin to the same standard as now established in England; and also provided, that from and after the Union, the Mint at Edinburgh be always continued under the same rules as the Mint in the Tower of London, or elsewhere in the united kingdom; and that the standard of weights and measures for Scotland be kept by those Boroughs within that part of the united kingdom now called Scotland, to whom the keeping of the standards of weights and measures now in use in Scotland, does by special right and privilege belong.

The Earl of Mar did likewise, in name of the Lords Commissioners for Scotland, deliver to the Board the following paper, which was read.

The Lords Commissioners for Scotland having considered the proposal made by the Lords Commissioners for England the 19th instant, that all laws and statutes in either kingdom, which are contrary to, or inconsistent with the terms agreed on for uniting the two kingdoms, shall be repealed and made void, do agree to the same.

The Earl of Mar did, in name of the Lords Commissioners for Scotland, deliver to the Board the following proposal which was read.

The Lords Commissioners for Scotland having by their paper delivered the 9th of May last proposed, that the private right of corporations and companies should be reserved to be considered in the course of this treaty, their Lordships do now propose, that the rights and privileges of the Company in Scotland, trading to Africa and the Indies, established in Scotland by the 8th act of Parliament 1695, and by the 13th act of Parliament 1701, do continue in force after the Union; or that if the privileges of that Company shall be judged inconvenient for the trade of the rest of the united kingdom, that the private rights of the said Company in Scotland be purchased from the proprietors.

The Earl of Mar did also, in name of the Lords Commissioners for Scotland, deliver to the Board the following proposal, which was read.

The Lords Commissioners for Scotland do propose to the Lords Commissioners for England, that all ships belonging to Her Majesty's subjects in Scotland, at the time of the Union (though foreign built), shall be deemed and pass as ships of the build of Great Britain, the owner or owners within twelve months after the Union making oath, that the same did belong to him or them at the commencement of the Union, and does then belong to him, or them, and that no foreigner, directly nor indirectly, hath any share or part, or interest therein, which oath shall be made before the chief officer of the customs at the port next the abode of the said owner or owners; and the said officer shall be empowered to administer the said oath; and the oath being so administered, shall be attested by the officer who administered the same, and being registered by the said officer, shall be delivered to the master of the ship for security of her navigation, a duplicate of which register shall be immediately transmitted to the Commissioners of Her Majesty's customs in the port of Edinburgh.

As to ships built in Scotland before, or which shall be built there after the Union, the Lords Commissioners for Scotland do make no separate proposal, seeing those, by the mutual agreements in this treaty, are to be subject to the same regulations as in England, and consequently to the acts of navigation now in force.

Adjourned to Saturday the 22d instant at one o'clock.

Saturday the 22d of June, 1706.

The Lord Treasurer, in name of the Lords Commissioners for England, delivered to the Board the following paper, which was read.

The Lords Commissioners for England having considered the paper concerning salt, delivered by the Lords Commissioners for Scotland 21st instant, think themselves obliged to inform their Lordships, that the whole duties on salt are not appropriated for payment of the debts of England; the duty of

12d. a bushel on salt, though granted to the Crown in perpetuity, is appropriated to the payment of debts no longer than till the 1st of August, 1710.

That the remaining part of the duty on salt, viz. 2s. 4d. a bushel, is granted to the Crown in perpetuity, and is with other duties appropriated for payment of 160,000*l.* *per annum* to the East-India Company, redeemable by Parliament, and the superplusage above that annual sum is not appropriated to the payment of the debts of England; and therefore the Lords Commissioners for England do think it necessary for them to insist upon what was expressed in their paper delivered by them the 15th instant; that when the duty on salt shall take place in Scotland, the equivalent which the kingdom of Scotland is to have, ought to be extended only to such part of the duties on salt, as shall be applied to the payment of the debts of England.

The Lord Treasurer did likewise, in name of the Lords Commissioners for England, deliver to the Board the following paper, which was read.

It appearing by a paper given in by the Lords Commissioners for Scotland the 21st instant, that the Lords Commissioners for England had not fully expressed themselves in some part of a paper delivered by them on the 19th instant, to the satisfaction of the Lords Commissioners for Scotland, and being desirous upon this, and all other occasions, to proceed with all possible clearness, do make the following explanation of their meaning in that part of the said paper.

They agree, that all Peers of Scotland, and their successors to their honours and dignities, shall, from and after the Union, be reckoned and declared Peers of Great Britain, and shall be tried as Peers of Great Britain, and shall enjoy the privileges of Peers, as fully as the Peers of England do now enjoy the same, or as they or any other Peers of Britain may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of Peers.

They agree, that the sixteen Peers who are to sit in the House of Lords of Great Britain, for that part of the united kingdom called Scotland, after the Union, shall have all privileges of Parliament, which the Peers of England now have, and which they or any Peers of Britain shall have after the Union, and particularly the right of sitting upon the trials of Peers.

They agree, that in case of the trial of any Peer in time of adjournment or prorogation of Parliament, the said sixteen Peers shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other Peers of Great Britain.

And they do further agree, that in case any trials of Peers shall hereafter happen, when there is no Parliament in being, the sixteen Peers of Scotland who

fat in the last preceding Parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other Peers of Great Britain.

The Lord Treasurer did also, in name of the Lords Commissioners for England, deliver to the Board the following paper, which was read.

The Lords Commissioners for England do agree to the proposal delivered the 21st of June, by the Lords Commissioners for Scotland, touching ships belonging to her Majesty's subjects in Scotland, with the alterations following, viz.

That all ships belonging to Her Majesty's subjects in Scotland, at the time of signing the treaty for the Union of the said kingdoms, though foreign built, shall be deemed and pass as ships of the build of Great Britain; the owner or owners, within twelve months after the Union, making oath that the same did belong to him or them at the signing the said treaty, and doth then belong to him or them; and that no foreigner, directly nor indirectly, hath any share or part, or interest therein; which oath shall be made before the chief officer or officers of the customs in the port next the abode of the said owner or owners; and the said officer or officers shall be impowered to administer the said oath, and the oath being so administered, shall be attested by the officer or officers who administered the same, and being registered by the said officer or officers, shall be transmitted to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register of all the trading ships belonging to Great Britain.

The Lord Treasurer, in name of the Lords Commissioners for England, delivered to the Board the following proposal which was read.

The Lords Commissioners for England do propose to the Lords Commissioners for Scotland, that from and after the Union, there be one great seal for the united kingdom of Great Britain, to be used for sealing writs to elect and summon the Parliament of Great Britain, and for sealing other public and mandatory writs, public acts, or orders of state, and grants, and such instruments relating to public justice, policy, and government, as are proper to be sealed with a great seal; yet nevertheless a seal in Scotland shall, after the Union, be always kept, and made use of, in all things relating to private rights and justice, in the same manner as the great seal is at this time used, but subject to such regulations as the Parliament of Great Britain may hereafter make, and, until such seal shall be provided, the great-seal of Scotland shall be used, as at this time, in all things relating to private rights and justice.

The Earl of Mar, in name of the Lords Commissioners for Scotland, delivered to the Board the following proposal, which was read.

The Lords Commissioners for Scotland do propose it be declared, that the laws and acts of Parliament in Scotland for pineing, curing, and packing of herrings,

herrings, white-fish, and falmon, for export beyond seas with foreign salt only, and for preventing of frauds in curing and packing of fishes, be continued in force in Scotland after the Union, but subject to alterations by the Parliament of Great Britain; and that the same eases, premiums, and draw-backs be allowed after the Union, for the encouragement of such as shall export fishes from Scotland beyond seas, as is now allowed by the laws of England, to such as export the like fishes from England.

Adjourned to Tuesday the 25th instant, at one o'clock.

Tuesday the 25th of June, 1706.

The Earl of Mar, in name of the Lords Commissioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commissioners for Scotland do agree to the last explanation contained in the paper delivered by the Lords Commissioners for England on the 22d instant, concerning the privileges of the Peers of Scotland.

The Earl of Mar did also, in name of the Lords Commissioners for Scotland, deliver to the Board the following paper, which was read.

The Lords Commissioners for Scotland do agree to the proposal made by the Lords Commissioners for England on the 15th instant, concerning the duties on salt, and do not insist upon the explanation proposed by their Lordships the 21st instant, in respect of what is represented in the paper delivered by the Lords Commissioners for England on the 22d instant.

The Earl of Mar did likewise, in name of the Lords Commissioners for Scotland, deliver to the Board the following paper, which was read.

The Lords Commissioners for Scotland do agree to the alteration made by the Lords Commissioners for England in the proposal delivered by the Lords Commissioners for Scotland, touching ships belonging to Her Majesty's subjects of Scotland, with this further explanation.

That all ships belonging to Her Majesty's subjects of Scotland, at the time of signing this treaty of the Union of the two kingdoms, though foreign built, shall be deemed and pass as ships of the build of Great Britain; the owner, or where there are more owners, one or more of them, within twelve months after the Union making oath, that the same did belong to him or them, or to some other subject or subjects of Scotland, at the time of signing the said treaty, and doth then belong to him or them, and that no foreigner directly nor indirectly hath any share, or part, or interest therein; which oath shall be made before the chief officers of the customs in the port next the abode of the said owner or owners; and the said officer or officers shall be impowered to administer the said oath; and the oath being so administered, shall be attested by the officer or officers who administered the same; and being registered by the said officer or officers, shall be delivered to the master of the ship, for security of her navigation,

gation, and a duplicate thereof shall be transmitted by the said officer or officers to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain.

OBSERVATION XI.

The debates about the sixteen Peers are so clear, and the questions and answers in themselves so direct, that they require no explanation; nor was there any thing considerable passed upon those heads, which is not expressed in the minute.

The settling the different privileges between the sitting Peers for the time being, and the other Peers, seemed to be the main difficulty, and was quickly regulated.

I know it was alledged in Scotland, that the privilege of peerage being by this treaty extended to the nobility of Scotland, I mean, as to protection of their persons and estates, was both a dishonour and a disadvantage to them; a dishonour, as if they were stooping to accept of an exemption from an honest discharge of their debts, and a disadvantage, since now, they being not liable to prosecutions for debt, would obtain no personal credit, whatever their occasions might be; and that a private gentleman's bond would now be more valuable than a nobleman's, since it could be sued and made heretable, whereby his estate should become liable, as well after his death, as in his life-time, whereas a nobleman's bond could no way be put in suit.

However this was, there was no making a distinction, at a time when a treaty was transacting, to bring all, if possible, to an equality of circumstances, unless the English nobility should have laid themselves and their estates open to the common process of the law, which had been inconsistent with their constitution, and much more with their convenience.

I have not meddled with the frequent proposals, answers and replies about the salt-tax, as a thing I shall speak more at large to, when I shall observe upon the minutes of Parliament, where that matter received a new turn, and all these scruples were effectually settled under one head of limitation, and so are needless to be repeated here.

It may be needful to explain something here, of the debate and restriction about shipping; the English Commissioners had in their view the Act of Navigation, which, in England, obliges all the ships employed to and from England, except only such ships as import any thing of the growth or manufacture of their own country, to which those ships belong, to be English built ships, and the mariners or sailors navigating the same, to be two thirds, at least, natural born subjects of England.

Now as Scotland of late years, wanting timber, or other materials for building, had but very few ships of their own building, they carried on the greatest part of their foreign trade in ships built in Holland, Hamburgh, the Baltick, or other foreign parts; wherefore the English Commissioners, in order to set bounds to the introducing of foreign bottoms into our trade as free ships, offered the clause as in the minute.

It was moved in the Scots behalf, to give a certain time for the clearing up this point, and that a ship should be deemed free at the time of the Union, if part of her was owned by Scotsmen at the time of the Union, because as the Scots traded much to Holland, so the merchants of Amsterdam, Camphere, &c. were in part owners, in company with the Scots merchants, of many of their ships; and therefore it was thought hard, that if the major part of the owners were Scotsmen, yet the ship should be deemed foreign, which would either oblige the Scots merchant to buy the remainder, at what price the foreign owner pleased to exact, or oblige him to sell and cast off the ship, which he could not carry on his trade without.

But as this would have clashed directly with the Act of Navigation, and created innumerable inconveniencies in trade, it was left out; for then foreigners had had no more to do, but to interest Scotsmen in a moiety of their ships, and so have made great numbers of foreign built bottoms have passed for free ships in Britain, to an inexpressible damage of the English trade.

This point therefore being given up, it remained only to dispute the time, at which any vessel belonging entirely to Scots owners should be deemed free; the English Commissioners put it to be at the time of signing the treaty, the Scots Commissioners insisted on the time of the commencement of the Union; but the reasons given against that latitude were so convincing, that the Scots Commissioners complied with it.

The principal reason was, that, in that interval of time, the merchants of either kingdom might furnish themselves with great numbers of foreign ships, which being built cheaper than the English, and becoming free by this clause, would be a great prejudice to trade; and seeing it was the known interest of both kingdoms to encourage the building of merchants ships among themselves, it could not but be the interest of both, to prevent the crowding in of foreign ships among them.

This was debated again in the Parliament of Scotland, and, after long discourses, obtained to pass with this small alteration, the time of ratifying, instead of the time of signing the Union, as shall appear in its place.

The affairs of the standards, weights and measures, were things admitted no debate in either kingdom, so need no observation; I shall give a scale of the differences hereafter, because it may be useful in matters of trade.

The affair of the coin made some noise abroad among the people, but the answering the loss of private persons out of the equivalent put a stop to it, and it was also adjusted without any hesitation.

Neither was there any difficulty before them about the affair of the great seal of Britain, or of any regulations with respect to a seal in Scotland, for the passing such acts, either relating to private rights, or public justice; but it appeared so equal, that it made no difficulties even at the time of the Parliament in Scotland, when most of the other heads admitted such strong debates.

But the next thing proceeded upon was the calculation of the equivalent, which a Committee had been busy in settling, with clerks appointed to examine the calculations, and state them to the Commissioners, the result of which was now before them.

Minute continued.

The Lord Treasurer, in the name of the Lords Commissioners for England, delivered to the Board the following proposal, which was read.

The Lords Commissioners of the two kingdoms having appointed a Committee, consisting of a like number of each Commission, for adjusting the equivalent to be allowed to Scotland for what that kingdom should become liable to answer towards payment of the debts of England, by reason of their having agreed to bear the same duties of customs and excises upon all exciseable liquors; and the said Committee having frequently met, and after a full inquiry, having agreed amongst themselves, and severally reported to their respective Commissions, that the sum of 398,085*l.* 10*s.* was the equivalent to be answered to Scotland, according to the proportion which the present customs and excises in Scotland, do bear to the customs and excises upon exciseable liquors in England; and the Lords Commissioners for England having considered and examined the said report, do agree to the said sum.

The Lords Commissioners for Scotland having also insisted, that after the Union the kingdom of Scotland becoming liable to the English duties of customs and excises upon exciseable liquors, as well upon that account, as upon the account of the increase of trade and people, which will be the happy consequence of the said Union, the said two revenues will much improve, of which no present valuation can be made; yet, nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent allowed to Scotland. The Lords Commissioners for England do agree, that after the Union there shall be an account kept of the said duties arising in Scotland, to the end that it may appear what ought to be allowed to Scotland as a proportionable equivalent for such proportion of the said increase, according to the calculation aforesaid, as shall be applicable to the payment of the debts of England.

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The Lords Commissioners for Scotland having also, by their paper delivered the 21st instant, proposed that the rights and privileges of the Company in Scotland trading to Africa and the Indies, do continue after the Union, or if the privileges of that Company be judged inconvenient for the trade of the united kingdom, that the private rights of the said Company in Scotland be purchased from the said proprietors; the Lords Commissioners for England, in answer thereto, say they are of opinion, that the continuance of that Company is inconsistent with the good of trade in the united kingdom, and consequently against the interest of Great Britain; and therefore they insist that it ought to be determined. But the Lords Commissioners for England being sensible that the misfortunes of that Company have been the occasion of misunderstandings and unkindnesses between the two kingdoms; and thinking it to be above all things desirable, that upon the Union of the kingdoms, the subjects of both may be intirely united in affection, do therefore wish that regard may be had to the expences and losses of the particular members of the said Company, in the manner hereafter mentioned; and they hope when the Lords Commissioners for Scotland have considered how generally that undertaking was entered upon in Scotland, and consequently how universal that loss was, they will readily agree to the proposal.

The Lords Commissioners for England do also think it of much consequence to England, that it should be agreed in this treaty, after what manner the equivalent (which will amount to a great sum payable upon and after the Union) is to be paid and applied; and being extremely desirous to bring the treaty to a speedy conclusion, and in order to that, as soon as may be, to settle and fix the matter of the equivalent, and the application thereof, do agree as follows, and do also make the following proposals to the Lords Commissioners for Scotland.

The Lords Commissioners for England do agree, that upon compleating the Union, the said sum of 398,085*l.* 10*s.* being agreed upon as the equivalent for Scotland, shall be granted to her Majesty for that use.

The Lords Commissioners for England do also agree, that upon the account to be kept as aforesaid, of the improvement of the revenue of customs and excises upon exciseable liquors in Scotland after the Union, there shall be answered to Scotland an equivalent in proportion to such part of the said increase as shall be applicable to the payment of the debts of England.

The Lords Commissioners for England do also agree, that an equivalent shall be answered to Scotland for such other parts of the English debts as that kingdom may hereafter become liable to pay by reason of the Union.

The Lords Commissioners for England do propose, for the further and more effectual

effectual answering the several ends hereafter mentioned and proposed, that from and after the Union, the whole increase of the revenue of customs and excises upon exciseable liquors in Scotland, over and above what the said revenues do now yield, shall go and be applied, for the term of seven years, to the uses hereafter mentioned.

And upon the said agreements and proposal, the Lords Commissioners for England do further propose, that her Majesty be empowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain, for disposing the said sum of 398,085*l.* 10*s.* to be granted as aforesaid, and also of all other monies which shall arise upon the agreements and proposal aforesaid to the purposes following: 1. That out of the said sum of 398,085*l.* 10*s.* all the public debts of the kingdom of Scotland, and also the capital stock or fund of the African and Indian Company of Scotland, together with the interest for the said capital stock, after the rate of 5 per cent. per annum from the respective times of payment thereof, shall be paid; and that, immediately upon such payment of the said capital stock and interest, the said Company shall be dissolved and shall cease: provided nevertheless, that from the time of passing the Act for raising the said sum of 398,085*l.* 10*s.* the said Company shall neither trade nor give licence to trade.

The Lords Commissioners for England do further propose, That after payment of the said public debts, and refunding the said capital stock in manner aforesaid, the overplus of the said sum of 398,085*l.* 10*s.* and also the whole improvement of the revenue of customs and excises upon exciseable liquors (above the present value), which shall arise during the term of seven years, from the commencement of the Union as aforesaid, together with the equivalent which shall become due upon account of the improvement of the customs and excises on liquors in Scotland, after the said seven years, and all other sums, which according to the agreement aforesaid may become payable to Scotland, by way of equivalent for what that kingdom shall hereafter become liable to answer for the debts of England, may be applied in the manner following.

That out of the same what consideration shall be found necessary to be had for any losses which private persons may sustain in reducing the coin of Scotland to the standard of England (mention whereof is made in another paper delivered by the Lords Commissioners for Scotland the 21st instant), may be made good, and afterwards the same shall be wholly employed towards encouraging and promoting the fisheries, and such other manufactures and improvements in that part of Britain called Scotland, as may most conduce to the general good of the united kingdom.

Adjourned to Wednesday the 26th instant, 7 in the evening.

OBSERVATION XII.

In making observations on the affair of the African Company, it may be necessary to state that part of the African affair that belongs to this immediate debate.

The African Company having, as has been related in the beginning of this work, met with several disasters and misfortunes, in some of which, the national interests of England and Scotland had but too much clashed, and which had been the occasion of a great deal of ill blood between them, it was absolutely necessary, in the bringing to pass an Union between the kingdoms, to remove every occasion of discontent; and particularly every interfering interest, being inconsistent with a complete entire Union, the thing now aimed at, there was therefore an absolute necessity to remove or reconcile every thing of that nature, as far as possible, before such an Union could be made.

The Scots Commissioners were in the right to propose, That their African Company should be supported and defended as a private right, all rights and privileges of corporations and companies being to be reserved; and this having been a national concern, in which they had but made an essay, and miscarrying in their first attempt, had let it rest for a while, but had various prospects of future projects and attempts; it could not be equal, to oblige them to quit these prospects, and their legal right to a trade to the Indies, which was so valuable in other countries, and which might in time restore their losses; and therefore they proposed the reserving to themselves the charters, rights and privileges of their African and Indian Company.

On the other hand, the case of England made this impracticable; for whereas there was already a Company established in England, formed, and with great difficulty united into one, from two contending and powerful companies; and that these were intirely supported, and depended upon their exclusive charters, by which no other persons could trade to the Indies but themselves, or by their permission: if this Company established in Scotland had continued after the Union, the article for a free intercourse of trade between the nations, had immediately opened to them all the ports of England for their ships and goods; and it had been, in event, a perfect laying open the East India trade, or at least erecting a new East India Company in Britain, which, whoever knows the difficulty of uniting the last contending companies, and the injury they did both their trade in particular, and the whole nation of England in general, before they could be brought together, will acknowledge is not to be borne within Britain.

This the Scots Commissioners foresaw, and therefore very frankly proposed the alternative, viz. That if the privileges of that Company shall be judged inconvenient

convenient for the trade of the rest of the united kingdom, that the private rights of the said Company in Scotland be purchased from the proprietors.

This was the least that could be demanded; for if England found it impracticable to suffer, or intolerable to their two Companies to bear, it was but reasonable, that the Company, who was to quit its right, should have satisfaction for parting with that right. And the next question was therefore, what must this purchase be, and who must pay it? and this was no small point.

England was so clear and fair in all their offers as to the equivalent, that the Scots Commissioners were, in a manner, prevented in every thing they had to ask; the offers of a full recompence in money, advanced for all the money which Scotland should be charged to pay towards the English debts, and of applying the whole remaining revenue of Scotland for the encouraging trade, and employing the poor, had in it so much evidence of the hearty design of the English Commissioners to consider every thing for the good of the community after the Union, that it could bear but little objection: it seemed therefore but reasonable, that the Scots should, at their own charge, put themselves in condition of uniting, that is, That if they had any national obstruction, which was inconsistent with the designed Union, and without removing which it could not be made, that then the removing that difficulty should lie at their door.

It was this kind of reasoning which directed the purchase of the private rights of the African Company in Scotland to be made out of the equivalent money; and to which, after very little debate, as you may see, both parties agreed.

Then the question was, what price should these private rights be purchased at; and this would have met with great difficulties, some magnifying the prospects of their company in trade, as a thing not to be valued, and which alone was able to enrich their nation; others lessening it in the most contemptible manner, as a thing that not only had now, but never had any prospect or possibility of success, as it had been managed. Of which by itself.—

But the method proposed appeared so fair, that it left no room for objection, it being a valuation from the true original, viz. That every private adventurer should be put in the same condition as he was in at first, supposing his money put out to interest; so that every man was to receive his full original capital stock which he had at first advanced, and five per cent interest to the time of payment.

Nor can I forbear saying, that the surprise of this offer had various effects upon the people; for this stock was a dead weight upon a great many families, who wanted very much the return of so much money: it had not only been long disbursed, but it was, generally speaking, abandoned to despair, and the money given over for lost; nay, so entirely had people given up all hopes, that a man might even, after this conclusion of the treaty, have bought the stock at 10

pounds for an hundred; and after all this, to find the whole money should come in again, with interest for the time, was a happy surprize to a great many families, and took off the edge of the opposition, which some people would otherwise have made to the Union in general.

Wednesday the 26th of June, 1706.

Her Majesty came to the Meeting, and being seated in her chair, spoke to the Lords Commissioners as follows :

“ MY LORDS,

“ I AM come hither once more to see what further progress you have made in this treaty, and to press a speedy conclusion of it, in regard my servants of Scotland cannot without great inconveniency be much longer absent from that kingdom.”

After which Her Majesty was pleased to direct, that the proceedings of the Commissioners for both kingdoms (from the time of her being there) should be read, which was accordingly done by the respective Secretaries, and then Her Majesty went away.

Adjourned to Friday the 28th instant, 6 in the evening.

Friday the 28th of June, 1706.

The Lord Keeper, in the name of the Lords Commissioners for England, delivered to the Board the following paper, which was read.

The Lords Commissioners for England having considered the proposal made by the Lords Commissioners for Scotland the 22d instant, touching the continuance of the laws and acts of Parliament now in force in Scotland, for preventing frauds in pineing, curing and packing fish in Scotland, do agree to the same; and do likewise agree, that fish exported from Scotland to parts beyond the seas after the Union, shall have the same eases, premiums and drawbacks, as are now allowed by the laws of England to such as export the like fish from England.

The Lord Keeper, in name of the Lords Commissioners for England, also delivered to the Board the following paper, which was read.

The Lords Commissioners for England do agree to the further explanation contained in the paper, delivered by the Lords Commissioners for Scotland the 25th instant, concerning foreign built ships belonging to Her Majesty's subjects of Scotland, with this addition, that in the oath proposed to be made by one or more owners of such ship, where there are more owners, the names of all the owners, and the places of their abode shall be particularly mentioned.

The Lord Keeper, in name of the Lords Commissioners for England, delivered to the Board the following proposal, which was read.

The Lords Commissioners for England being desirous that no time be lost in perfecting this treaty, do propose, that four Commissioners of each part be appointed

pointed to draw up into form the articles or heads of this treaty upon the points already agreed, or which hereafter shall be agreed, in order to be signed and sealed by the Commissioners of both kingdoms.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commissioners for Scotland having considered the proposal delivered by the Lords Commissioners for England the 22d instant, concerning the great seal, their Lordships do agree, that there shall be a great seal for the united kingdom of Great-Britain, to be used for sealing writs to elect and summon the Parliament of Great-Britain, and for sealing all treaties with foreign princes and states, and all public writs and orders of state, which concern the whole united kingdom. And the Lords Commissioners for Scotland do propose, that the great seal of the united kingdom be different from the great seals now used in either kingdom, and that the quartering the arms, as may best suit the Union, be left to her Majesty, and that in the mean time the great seal of England be used as the great seal of the united kingdom. And the Lords Commissioners for Scotland do further propose, as a consequence of the reservations agreed to by the Lords Commissioners for both kingdoms, of the laws and customs in Scotland, that a seal in Scotland, after the Union, be always kept and made use of in all things relating to private rights or grants, which have usually passed the great seal of Scotland, and which do only concern offices, grants, commissions and private rights within that kingdom; and that the privy seal, signet, signet of the Justiciary Court, quarter seal, and other seals of Courts now in use in Scotland be continued, but that the same be altered and adapted to the state of the Union, as her Majesty shall think fit, and that the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the Parliament of Great-Britain shall hereafter make.

The Lords Commissioners for Scotland do also propose, that upon calling the first Parliament of Great-Britain, and until the said Parliament shall make further provision therein, the following method be used in summoning the members from Scotland, to attend in both Houses of Parliament of Great Britain, viz. That a writ under the great seal of the united kingdom be issued out for summoning the said members, and that the said writ be directed to such court, officer or office, and to be executed and returned in such manner as in the Parliament of Scotland shall be settled, at or before ratifying the treaty.

The Lord Chancellor did also, in the name of the Lords Commissioners for Scotland, deliver to the Board the following paper, which was read.

The paper delivered by the Lords Commissioners for England on the 25th instant, concerning the equivalent, does very much contribute to the bringing
this

this treaty to a conclusion. And the Lords Commissioners for Scotland being ready to concur on their part, do agree to the same, with the following additions and explanations.

1. And first, where the said Commissioners for both kingdoms have agreed that the sum of 398,085l. 10s. is the equivalent to be answered to Scotland, according to the proportions which the present customs and excise of Scotland do bear to the customs and excises upon exciseable liquors in England; the Lords Commissioners for Scotland do propose, that the accounts and calculations which lay before the Committee, by which it does appear from whence the aforesaid sum does arise, be entered in the journal books of this treaty.

And where the Lords Commissioners for both kingdoms have also agreed that an account be kept of all the duties in Scotland, arising from the customs and excises upon exciseable liquors, beyond the present estimate, to the end it may appear what ought to be allowed to Scotland as an equivalent to such proportion of the said increase, according to the calculation aforesaid, as shall be applicable for payment of the debts of England; the Lords Commissioners for Scotland do in like manner propose, that the calculation of that proportion which lay before the Committee be entered in the books of journal of this treaty.

And where the Lords Commissioners for both kingdoms have agreed, that upon completing the Union, the said sum of 398,085l. 10s. being agreed upon as the equivalent for Scotland, shall be granted to her Majesty for that use; the Lords Commissioners for Scotland do understand it to be the meaning of the Lords Commissioners for England, that the said sum be granted to her Majesty in the Parliament of England, at or before ratifying the treaty, and do propose that the sum be due and payable from the time of ratification of the Union in both Parliaments.

And whereas it is agreed on both sides, that her Majesty be empowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain for disposing of the said sum of 398,085l. 10s. to be granted as aforesaid, and also of all other monies that shall arise upon the agreements and proposal aforesaid, to the purposes mentioned in the said paper delivered by the Lords Commissioners for England on the 25th instant; the Lords Commissioners for Scotland do propose that the aforesaid Commissioners be not only empowered to call for, receive and dispose of the aforesaid sum to the purposes mentioned in the said paper; but further, that the said Commissioners be authorized and empowered to inspect the books of the several collectors of the said revenues of customs and excise, and of all other duties from whence an equivalent may arise, and that the collectors and managers of the said duties and revenues be obliged to give to the said Commissioners subscribed, authentic

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tic abbreviats of the produce of the several revenues and duties arising in their respective districts on account, where an equivalent may become due to Scotland; which Commissioners shall be obliged to keep books, containing accounts of the amount of the equivalent, and how the same shall be disposed of from time to time; which books shall be patent for inspection to all the subjects in Scotland; and that the said Commissioners have their office within the limits of the said kingdom of Scotland.

The Lord Chancellor, in name of the Lords Commissioners for Scotland, delivered to the Board the following proposal, which was read.

The Lords Commissioners for Scotland do propose, for removing of national distinctions between the two kingdoms after the Union, that the crosses of St. Andrew and St. George be conjoined when used in flags, banners, standards and ensigns, both at sea and land.

The Lords Commissioners for Scotland withdrew, and being returned, the Lord Chancellor, in their Lordships names, delivered to the Board the following answer to the proposal delivered by the Lords Commissioners for England at this meeting, which was read.

The Lords Commissioners for Scotland do agree, that four Commissioners of each part be appointed to draw up into form the articles or heads of this treaty, and have named for their part,

The Lord President of Session.

Lord Justice Clerk.

Sir Alexander Ogilvie, one of the Senators of the College of Justice.

Sir David Dalrymple.

The Lord Keeper, in name of the Lords Commissioners for England, delivered to the Board the following paper, which was read.

The Lords Commissioners for England do nominate on their part, to be of the Committee agreed to be appointed for drawing into form the treaty of Union between the two kingdoms, the persons following:

Attorney General.

Solicitor General.

Sir John Cook.

Doctor Waller.

Agreed that the above-named Committee, consisting of four of each Commission, meet to-morrow morning at ten o'clock, and that they have power to adjourn themselves.

Adjourned to Monday the 1st of July at 6 in the evening.

Monday the 1st of July, 1706.

The Lord Keeper, in name of the Lords Commissioners for England, delivered to the Board the following paper, which was read.

The Lords Commissioners for England, having considered the answer delivered by the Lords Commissioners for Scotland the 21st of June last, to the proposal made by the Lords Commissioners for England the 19th of the same month, concerning the coin, weights, and measures to be used throughout the united kingdom; the Lords Commissioners for England do agree to the provisions contained in the said answer, with this addition, that the weights and measures for Scotland, to be kept in the boroughs of Scotland, to whom the keeping of the same does now belong, be sent down to the respective boroughs, from the standard kept in the Exchequer at Westminster; and that a mint be continued in Scotland, under the same rules as the mint in England, subject to such regulations as the Parliament of Great Britain shall think fit.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commissioners for Scotland having, on the 25th of June last, delivered a further explanation of their proposal delivered the 22d of June, concerning ships belonging to Her Majesty's subjects in Scotland, and the Lords Commissioners for England having agreed to the said explanation, in their Lordships paper delivered the 29th of June, with an addition thereto; the Lords Commissioners for Scotland do now agree to the said addition.

Adjourned to Wednesday the third instant, at 11 o'clock.

Wednesday the 3d of July, 1706.

The Lord Treasurer, in name of the Lords Commissioners for England, delivered to the Board the following paper, which was read.

The Lords Commissioners for England have considered the paper, delivered by the Lords Commissioners for Scotland the 28th of June last; and as to the first proposal therein contained, viz. That the great seal of the united kingdom, be different from the great seal used in either kingdom, and that the quartering of the arms, as may best suit the Union, be left to Her Majesty; and that, in the mean time, the great seal of England be used as the great seal of the united kingdom; the Lords Commissioners for England do agree to the same.

And as to the second proposal, the Lords Commissioners for England do agree, that a seal shall, after the Union, be always kept in Scotland, for the uses and purposes therein contained; and that the privy seal, signet, and other seals therein mentioned, and now used in Scotland, be continued the same, to be altered, and adapted to the state of the Union, as Her Majesty shall think fit; and that the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the Parliament of Great Britain shall hereafter make.

And instead of the last proposal, the Lords Commissioners for England do propose, that, upon calling the first Parliament of Great Britain, and until the said Parliament shall make further provision therein, the following method be used.

That

That a writ do issue under the great seal of the united kingdom of Great Britain, directed to the Privy Council of that part of the united kingdom now called Scotland, commanding them to cause sixteen Peers, who are to sit in the House of Lords, to be summoned to Parliament, and forty-five Members to be elected to sit in the House of Commons of the Parliament of the united kingdom of Great Britain, according to the agreements between the two kingdoms in this treaty, in such manner as in the Parliament of Scotland shall be settled, at, or before ratifying the treaty; and that the names of the persons so summoned and elected shall be returned by the Privy Council of Scotland, into the court from whence the said writ did issue.

The Lord Treasurer did also, in name of the Lords Commissioners for England, deliver to the Board the following paper, which was read.

The Lords Commissioners for England having considered the proposal contained in the paper, delivered by the Lords Commissioners for Scotland the 28th of June last, in answer to the several matters relating to the equivalent, mentioned in the paper delivered by the Lords Commissioners for England on the 25th of the same month, do agree to the proposal therein made, concerning the accounts and calculations from whence the equivalent did arise, being entered into the journal books of this treaty.

And the Lords Commissioners for England do likewise agree to the proposal contained in the same paper, concerning the calculation of the proportion of the increase of duties arising from customs and excises beyond the present estimate, being entered in the journal book of this treaty.

And the Lords Commissioners for England do also agree to the proposal in the same paper, that the sum of 398,085*l.* 10*s.* agreed upon to be the equivalent for Scotland shall be granted to her Majesty in the Parliament of England, at or before ratifying the treaty, and that the same be due and payable from the time of ratification of the Union in both Parliaments.

And the Lords Commissioners for England do also agree to what is further proposed therein by the Lords Commissioners for Scotland, concerning the powers to be given to the Commissioners for disposing of the equivalent, and the books and office to be kept by the said Commissioners.

The Lord Treasurer did likewise, in name of the Lords Commissioners for England, deliver to the Board the following paper, which was read.

The Lords Commissioners for England have considered the proposal made by the Lords Commissioners for Scotland the 28th of June last, for removing national distinctions, and do agree, that the crosses of St. George and St. Andrew be conjoined, when used in flags, banners, standards and ensigns, both at sea and land, with this addition; that the manner of conjoining the said crosses be left to her Majesty, and that the ensigns armorial of the united kingdom be such as her Majesty shall appoint.

The Lord Chancellor, in name of the Lords Commissioners for Scotland, delivered to the Board the following paper, which was read

The Lords Commissioners for Scotland do agree to the additions contained in the paper delivered by the Lords Commissioners for England the 1st instant, concerning the mint, weights, and measures.

Adjourned to Thursday the 4th instant, at six in the evening.

Thursday the 4th of July, 1706.

The Lord Chancellor, in name of the Lords Commissioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commissioners for England, in their paper of the third instant, having agreed to the proposal made by the Lords Commissioners for Scotland the 28th of June last, concerning the seals; and having, in the said paper, proposed a method to be used in calling the first Parliament of Great Britain; the Lords Commissioners for Scotland do agree to the said proposal.

The Lord Chancellor also, in name of the Lords Commissioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commissioners for England having agreed to the proposal, made by the Lords Commissioners for Scotland the 28th day of June last, concerning the conjoining the crosses of St. Andrew and St. George, with an addition, viz. That the manner of conjoining the said crosses be left to her Majesty, and that the ensigns armorial of the united kingdom be such as her Majesty shall appoint; the Lords Commissioners for Scotland do agree to the said addition.

The Lords Commissioners of both kingdoms did agree, to revive the Committee of eleven of each side, nominated the 1st of May last; and that they meet the morrow morning, in order to the directing the papers and calculations touching the equivalent to be entered in the journal books of the treaty.

Adjourned to Saturday the sixth instant, at 11 o'clock.

Saturday the 6th of July, 1706.

The Earl of Pembroke, President of the Council, in name of the Lords Commissioners for England, delivered to the Board the following paper, which was read.

The Lords Commissioners who are on the part of England of the Committee of Lords of both kingdoms, nominated the first of May last, to consider matters to them referred, having reported to us the Lords Commissioners for England, that the said Committee had referred to six persons the stating in what proportion the present customs of Scotland, as now let, do bear to the several branches of that revenue in England, and also in what proportion the present excise upon liquors

liquors in Scotland, as now let, do bear to the several branches of that revenue in England, in order to the stating of the equivalent that would become due to Scotland, for so much of the said two revenues as should be applied towards the payment of the debts of England, which was accordingly done as in No. 1. And that the said six persons had also, by their Lordships directions, prepared a calculation, what so much of the said two revenues of Scotland, as should be applied towards payment of the debts of England, would produce of ready money, as in No. 2. The said six persons had also calculated, that in case the said two revenues should increase (above what they are now let for) 1000l. on customs, and 1000l. on the excise, how much thereof would contribute towards the payment of the debts of England, and for which Scotland is to have an equivalent, as in No. 3. All which papers their Lordships having now laid before us, we the Lords Commissioners for England do agree to the same, and that all the said papers be entered by the respective Secretaries in the journals of this treaty.

Adjourned to Tuesday the 9th instant, at 5 in the evening.

OBSERVATION XIII.

I might make observations here upon the manner of stating the equivalent; for in a matter of that moment it is not to be doubted but there were various judgments passed, projects founded, and proposals made on every side for the bringing this difficult thing to bear, in which every body spoke according to their several judgments, and as I noted before, every man supposed this such an insuperable difficulty, that it would never have been mastered in the treaty, and therefore various schemes were made.

The main difficulty, as I have hinted already, was the proposal itself of an equivalent, and indeed without this it had been impossible to bring this Union to a conclusion; nor was the way ever seen clear towards a Union, till the project of an equivalent was thought of. The manner of it therefore might consequently be supposed to introduce equal difficulty. Some proposed it in an annual payment of interest to Scotland of 30,000l. per annum, or 600,000l. in money, to be stated at 5l. per cent.

But the people that made these proposals, built upon the supposition of the Scots revenues paying a far greater share of the English debt, than upon a further search into the several articles appeared probable; and at best built upon imaginary increases on one side, and imaginary expences on the other, as will appear by the following schemes of the improved taxes of Scotland after the Union.

*An Estimate of what the Revenue of Scotland may produce after the Union,
when upon the Foot of the English taxes.*

Customs	—	—	—	—	70,000
Excise	—	—	—	—	40,000
Malt and salt taxes			—	—	40,000
Crown lands		—	—	—	6,000
Stamped paper, &c.			—	—	10,000
Land tax	—	—	—	—	50,000

216,000l. per annum.

I should not record this imaginary and erroneous scheme, but to illustrate and shew the necessity and original of the true; perhaps the author of this scheme had as near a view as any body at that time of day could come at.

But when the Commissioners on both sides came to form themselves into a Committee to state this so as that neither kingdom might object, they found themselves under a necessity of keeping a medium between two dangerous extremes, that the Scots on one hand might not plead a disparity of allowance, and consequently deny its being an equivalent, which would overthrow the foundation; and the English might not complain they were wronged in the calculation, and paid more for the proportion than it was worth.

To bring this therefore to a head, they went back to the principles, which was an infallible rule to judge by, and taking the customs and excises of Scotland, which were the only taxes which could be appropriated to the payment of English debts, and stating them at the present produce, as they were then farmed out, they advance to the Scots as much money as the annual produce of those sums appropriated as above comes to. This was capable of a most exact calculation to the least fraction, and was exactly cast up as in the tables annexed to the minutes, which I have also printed, that posterity may see how exactly this matter was carried between both, and may for ever be satisfied with the justice which was done them in either nation.

The calculation being made exactly for the present revenue of Scotland, it was not for the Commissioners to attempt a real advance upon imaginary increases, which might or might not come to pass, as trade might or might not be enlarged by the Union. But to remove all possible objections, they first state how much shall be appropriated to the payment of the English debts, upon every thousand pounds that any of the revenues of Scotland shall thereafter advance, and then appointing an exact account to be kept of such advance, agree that Scotland shall be re-imburshed by way of equivalent, as much as shall be paid out of such advanced revenues, and that Commissioners be appointed

appointed both to see the calculations made and accompts kept, and also to pay the said equivalent as it becomes due.

This was so clear, so just, and so unexceptionable a method, that it could admit of no dispute, and brought the most intricate part of the whole treaty to a happy conclusion.

The question about the manner of payment was now all that remained, and the proposal for an annual interest found no room; for this had been but the same thing with letting the revenues of Scotland pay themselves as it came in; nor could it enable Scotland to answer the incumbrances which were then upon her, and which it behoved her to clear herself of to make way for the Union, such as the paying of, or purchasing the capital stock of the African Company, &c. making good the deficiency of the coin, paying the public debts, &c.

To solve this, the calculation being made, they proposed to estimate the value of the proportions which Scotland would so pay of the English debts, and reduce them to a rate in present money, according to the common estimates then current for advanced payment to the Government; and that then England should pay the full sum down in ready money, the payment to become due upon the signing the Union.

This was thought not only just, but advantageous to Scotland, and indeed necessary to her, to supply the stagnation which might be upon the current cash of that kingdom on the alteration of the coin, and to cause money to circulate among them, which was then much wanted.

This part of the calculation I have therefore caused to be printed here as it stands in the books of the Commissioners, to clear up the particulars, and to convince the nicest objectors with what exactness and equal proportion every part of this transaction was carried on.

An Account of the Value of the Annual Sums contributed out of the Customs of Scotland (according to the present Produce thereof) towards the anticipated Funds of the Customs of England, viz.

2605l. per annum from March 25, 1707, until June 24, 1710,	}	7577
estimated in present money		
15798l. per annum from March 25, 1707 to August 1, 1710,	}	47506
estimated at		
3578l. per annum from March 25, 1707, to September 30,	}	11251
1710, estimated at		
1780l. per annum from March 25, 1707, for 98 years, com-	}	27145
encing March 8, 1708, at the rate of fifteen years and three		
months purchase, comes to		

23761l. per annum from the Customs.

£. 93479

A Com-

A Computation of the Value of the Annual Sums contributed out of the Scotch Excise (estimated at 33500l. per annum) towards the anticipated Excise Funds in England, viz.

6802l. per annum out of the excise in Scotland towards payment of annuities for 99 years, which are charged on the 3700l. a week arising out of the hereditary and temporary excise in England, at 15 years three months purchase, comes to	£.	S.
	103730	10
4682l. per annum contributed out of the excise in Scotland, towards payment of annuities, amounting to 132433l. per annum charged on 9d. per barrel excise in England, whereof 124866l. per annum is for the remainder of a term of 99 years, commencing January 25, 1692, and 7567l. per annum for lives with the advantage of survivorship; so that 4415l. of the 4682l. per annum, will be for the remainder of the said term of 99 years, and 267l. thereof for lives, with the advantage of survivorship; and so much thereof as is for the remainder of a term of 99 years, being rated at 15 years and three months purchase, comes to 67328l. 15s. and the remainder being deemed of equal value with a term of 30 years, comes to 3675l. in the whole.	71003	15
4860l. per annum contributed out of the excise in Scotland, towards payment of 137460l. per annum charged on another 9d. per barrel excise in England, part in perpetuity, part for 99 years, part for 3 lives, and part for 2 lives, whereof 3536l. of the said 4860l. per annum will be in perpetuity, 542l. for 99 years, 74l. for 3 lives, and 708l. for 2 lives, so much as is in perpetuity and for 99 years being rated at 15 years and 3 months purchase; so much as is for 3 lives being rated at 12 years purchase, and so much as is for 2 lives at 11 years purchase, amount in the whole at those rates to	70865	10
3699l. per annum, contributed out of the excise in Scotland, for payment of annuities charged on another 9d. per barrel excise in England for 99 years, at 15 years and three months purchase, comes to	56409	15

Carried over £. 302009 10

Brought forward	—	302009 10
893l. per annum, contributed out of the excise in Scotland, for 3 years and 3 months, commencing March 25, 1707, ap- plicable as the duty on low wines in England for that time, is computed to be worth	— — —	2597
		<hr/>
		£. 304606 10
From the customs	— —	93479
		<hr/>
Total sum, being the same as the equivalent	£.	398085 10
		<hr/>

From this calculation it also appears, that every 1000l. increase on the excise will pay towards the debts of England	— —	£. 625
Ditto on the customs	— — —	792

Tuesday the 9th of July, 1706.

The Lords Commissioners of both kingdoms agreed to revive the Committee of eight, who were nominated to draw up the heads of the treaty in form, and that they meet to-morrow morning.

Adjourned to Thursday the 11th instant, at 11 o'clock in the forenoon.

Thursday the 11th of July, 1706.

The Lord Keeper, in the name of the Lords Commissioners for England, delivered to the Board the following proposals, which were read.

The Lords Commissioners for England do propose, that the Union of both kingdoms shall take place upon the first day of May, 1707, and their Lordships do also propose, that if her Majesty, on or before the said first day of May, shall declare under the great seal of England, that it is expedient that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the respective Houses of the first Parliament of Great Britain, for and on the part of England; then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the Members of the respective Houses of the first Parliament of Great Britain; and her Majesty may, by her royal proclamation, under the great seal of Great Britain, appoint the said first Parliament of Great Britain to meet at such time and place as her Majesty shall think fit, which time shall not be less than forty-two days after the date of such proclamation; and the time and place of the meeting of such Parliament being so appointed, a writ shall be immediately issued under the great seal of Great Britain, directed to the Privy Council of Scotland, for the summoning the sixteen Peers, and for electing
forty-

forty-five members, by whom Scotland is to be represented in the Parliament of Great Britain; and the Lords of Parliament of England, and the sixteen Peers of Scotland, such sixteen Peers being summoned and returned in the manner agreed in this treaty; and the members of the House of Commons of the said Parliament of England, and the forty-five members for Scotland, such forty-five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively in the respective Houses of the Parliament of Great-Britain, at such time and place as shall be so appointed by her Majesty, and shall be the two Houses of the first Parliament of Great Britain; and that Parliament may continue for such time only as the present Parliament of England might have continued, if the Union of the two kingdoms had not been made, unless sooner dissolved by her Majesty.

And the Lords Commissioners for England do likewise propose, That every one of the said sixteen Peers of Scotland, and every one of the said forty-five Members for Scotland shall, before they sit or vote in the respective Houses of Parliament of Great Britain, take the respective oaths, and subscribe the Declaration in the same manner as the Lords and Members of both Houses of Parliament in England are obliged to take and subscribe, by virtue of any act or acts of Parliament now in force in England, upon the penalties therein contained.

Adjourned to Saturday the 13th instant, at 11 o'clock in the forenoon.

Saturday the 13th of July, 1706.

The Lord Chancellor, in the name of the Lords Commissioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commissioners for Scotland do agree to the paper delivered by the Lords Commissioners for England the 11th instant, with this alteration to the first part of the said paper, that whereas the said Commissioners for England do propose, that the first Parliament of Great Britain be appointed to meet at such time and place as her Majesty shall think fit, which time shall not be less than forty-two days after the date of such proclamation, as in the said proposal is mentioned; the Lords Commissioners for Scotland do propose, that the time for meeting of the said Parliament shall not be less than fifty days after the date of such proclamation; and as to the second part of the said proposal, the Lords Commissioners for Scotland do agree to the same in the terms following: That every one of the Lords of Parliament of Great-Britain, and every Member of the House of Commons of the Parliament of Great Britain, in the first and all succeeding Parliaments of Great-Britain, until the Parliament of Great Britain shall otherwise direct, shall, before they sit or vote in the respective Houses of the Parliament of Great-Britain, take the respective oaths
appointed

appointed to be taken instead of the oaths of allegiance and supremacy, by an act of Parliament made in England, in the first year of the reign of the late King William and Queen Mary, intituled, *An Act for the Abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths*, and make, subscribe, and audibly repeat the declaration mentioned in an act of Parliament made in England in the 30th year of the reign of King Charles the Second, intituled, *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; and shall take and subscribe the oath mentioned in an act of Parliament made in England, in the first year of her Majesty's reign; intituled, *An Act to declare the Alterations in the Oath appointed to be taken by the Act*, intituled, *An Act for the further Security of His Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined*, upon the penalty and disabilities in the said respective acts contained; and the Lords Commissioners for Scotland do further propose, that these words, *the Crown of this Realm*, and the *Queen of this Realm*, mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, may be understood of the crown and realm of Great Britain, united by the acts of the respective Parliaments ratifying this treaty, and that the oaths and declaration be taken and subscribed by the members of both Houses of the Parliament of Great Britain in that sense.

The Lords Commissioners for England withdrew, and being returned, the Lord Keeper, in their Lordships names, delivered to the Board the following paper, which was read.

The Lords Commissioners for England, having considered the paper delivered at this meeting by the Lords Commissioners for Scotland, do agree to the several matters therein proposed.

Adjourned to Tuesday the 16th instant, at 11 o'clock, forenoon.

OBSERVATION XIV.

The affair of the African Company, and the equivalent, being thus settled; there was nothing now before them but things of small moment, and easily adjusted, such as the quartering of the arms, uniting the crosses, and settling the banners, ensigns and trophies of the united kingdoms, regulating weights and measures, the methods of calling and regulating the Parliament, and the summoning the Members, and the like; in all which the Commissioners on both sides had little more to do, than to propose and agree, so all things proceeded smoothly and easily; and the articles being finished, were with all pos-

fible speed engrossed, signed and presented to the Queen, in manner as per the minute; the treaty having continued from the 16th of April to the 23d of July inclusive, being so happily finished as gave an universal satisfaction to all the kingdom, and at first, to all appearance, was received with equal joy in either part of the island.

Tuesday the 16th of July, 1706.

The draught of the articles of Union was read by the respective Secretaries, and the Lords Commissioners of both kingdoms ordered the same to be engrossed against the next meeting.

Adjourned to Monday the 22d instant, at 5 in the evening.

Monday the 22d of July, 1706.

The Lords Commissioners for both kingdoms, signed and sealed the instruments or writings, containing the articles of Union, conformable to their respective Commissions.

Ordered, That the respective Secretaries of each Commission do sign each other's journals of the proceedings.

Ordered, That the respective Secretaries, after signing their journals, enter in the journals the articles of the treaty of Union.

Adjourned to Tuesday the 23d of July, 1706, at 12 o'clock.

Tuesday the 23d of July, 1706.

The Lords Commissioners for both kingdoms went from the Cockpit to attend the Queen at St. James's, where the Lord Keeper, in the name of the Lords Commissioners for England, made the following speech, and presented to her Majesty one of the signed and sealed instruments or writings containing the articles of Union on the part of England.

“ May it please your Majesty,

“ WE the Commissioners appointed by your Majesty, in pursuance of the
“ act of Parliament passed in your kingdom of England, to treat concerning an
“ Union of the two kingdoms, with the Commissioners for Scotland, do (ac-
“ cording to our duty) humbly beg leave to present to your Majesty these the
“ effects of our continued and faithful endeavours towards that end.

“ They are the articles agreed upon between your Commissioners of both
“ kingdoms, as the terms or conditions upon which the intended Union is to
“ take place, if your Majesty and the Parliaments of both kingdoms shall think
“ fit to approve and confirm the same.

“ In

“ In these we have come to an agreement on every point, we judged necessary
 “ to effect a compleat and lasting Union, and we have endeavoured not to stir
 “ into any matter we had reason to think was not so.

“ And although we have unanimously carried this treaty thus far, purely from
 “ a conviction, that we have done therein to God, your Majesty, and our country’s
 “ good service; yet we are far from thinking that what we have done will, or
 “ ought to be of any weight or authority elsewhere; but do most entirely sub-
 “ mit these our labours to the high wisdom of your Majesty, and both your Par-
 “ liaments, to stand or fall by the reason, justice, and public utility on which
 “ they are founded.

“ Your Majesty’s royal presence and seasonable admonitions to us at the fittest
 “ junctures were (we most thankfully acknowledge) a very great encouragement
 “ and assistance to us, in the difficulties we met with.

“ Your Majesty’s glory is already perfect, and the finishing this work is all
 “ that is wanting to compleat as well as secure the happiness of so great a peo-
 “ ple, as your subjects may now, without any arrogance pretend to be.

“ May your Majesty live not only to give a sanction of this universal blessing
 “ to all your people, but also to see, in a long and prosperous reign over us,
 “ the many immediate (or near) good effects of it; but as for that great and
 “ main consequence of it, for which your Majesty is making, by a most gracious
 “ and charitable foresight, this only effectual provision, I mean the continuance
 “ of peace and tranquillity in this island, upon a descent of the crown, instead
 “ of that bloodshed and distraction which would probably follow upon the fatal
 “ division of it; may we be so happy as never, in our days, to experience the
 “ fitness of these measures your Majesty is now taking for that end! But may late
 “ very late posterity, only in that respect, reap the advantage of them.”

The Lord Chancellor of Scotland, in name of the Lords Commissioners for Scotland, made the following speech, and presented to her Majesty one of the signed and sealed instruments or writings, containing the articles of Union on the part of Scotland.

“ May it please your Majesty,

“ THE Commissioners appointed by your Majesty for the kingdom of
 “ Scotland, to treat of an Union of your two kingdoms of Scotland and Eng-
 “ land, have commanded me to return your Majesty their most humble and duti-
 “ ful acknowledgments, for the honour your Majesty has conferred on them, in
 “ employing them to negotiate this most important affair, which is of the greatest
 “ consequence to all your Majesty’s subjects.

“ We have endeavoured to discharge this trust with all fidelity, and are now
 “ come humbly to lay before your Majesty the articles and conditions of Union,

“ which we have treated of, and agreed upon, and do submit them to your Majesty’s royal consideration.

“ It is a great satisfaction to us, that what we have concluded in this matter has been done with unanimity; and we must own, that the knowledge we had of your Majesty’s great concern for uniting your two kingdoms, and the earnestness with which your Majesty has been most graciously pleased to recommend it, hath enabled us to bring this treaty to a happy and speedy conclusion, to the mutual satisfaction of the Commissioners on both sides; and we shall esteem it our greatest happiness, if what we have prepared be acceptable to your Majesty, and ratified by the Parliaments of both kingdoms, without which, what we have done can be of no authority.

“ An Union of the two kingdoms has been long wished for, it being so necessary for establishing the lasting peace, happiness, and prosperity of both nations; and though it has been frequently endeavoured by your Majesty’s royal predecessors, without the desired success, yet the glorious successes, with which God has blessed your Majesty’s endeavours for the happiness of your people, make us hope, that this great work is reserved to be accomplished in your Majesty’s reign.”

After which, Her Majesty was graciously pleased to make the following speech.

“ My Lords,

“ I give you many thanks for the great pains you have taken in this treaty, and am very well pleased to find your endeavours and applications have brought it to so good a conclusion. The particulars of it seem so reasonable, that I hope they will meet with approbation in the Parliaments of both kingdoms. I wish therefore, that my servants of Scotland may lose no time in going down to propose it to my subjects of that kingdom; and I shall always look upon it as a particular happiness, if this Union (which will be so great a security and advantage to both kingdoms) can be accomplished in my reign.”

OBSERVATION XV.

And thus this mighty affair was brought to a conclusion.

What difficulties it met with afterwards;—how it became the aversion of those very people, who, it was generally thought, it had been particularly furnished to preserve;—what opposition it met with;—with what difficulty finished, and how hardly supported, when carried through, especially in Scotland, shall be the subject of the ensuing part of this work.

As to the state of the debts and revenue of either nation, from whence the several calculations were made, and the state of the equivalent formed, they are printed from the originals, and added in the Appendix to this work.

THE

T H E

ARTICLES OF UNION,

*As they were treated on and agreed to at London, to which the Minutes
aforesaid, with the Observations, refer.*

Agreed on the Twenty Second Day of July, in the Fifth Year of the Reign of Her Most Excellent Majesty Anne by the Grace of God Queen of Scotland, England, France and Ireland, Defender of the Faith, &c, and in the Year of our Lord One Thousand Seven Hundred and Six, by the Commissioners nominated on Behalf of the Kingdom of Scotland, bearing Date the Twenty Seventh Day of February last past; in pursuance of the Fourth Act of the Third Session of Her Majesty's Current Parliament of Scotland, in the Fourth Year of Her Majesty's Reign; and the Commissioners nominated on the Behalf of the Kingdom of England, under her Majesty's Great Seal of England, bearing Date at Westminster the Tenth Day of April last past; in pursuance of an Act of Parliament made in England the Third Year of Her Majesty's Reign, to Treat of and concerning an Union of the said Kingdoms: Which Articles are in all Humility to be presented to the Queen's most Excellent Majesty, and offered to the Consideration of the Respective Parliaments of both Kingdoms, pursuant to the said Acts and Commissions.

I. **T**HAT the two Kingdoms of Scotland and England shall, upon the first day of May next ensuing the date hereof, and for ever after, be united into one kingdom by the name of Great Britain; and that the ensigns armorial of the said united kingdom be such as her Majesty shall appoint, and the crosses of St. Andrew and St. George be conjoined in such manner as her Majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land.

II. That the succession to the Monarchy of the united kingdom of Great Britain, and of the dominions thereunto belonging, after her most sacred Majesty, and in default of issue of her Majesty, be, remain, and continue to the most excellent Princess Sophia, Electress and Dutchess Dowager of Hanover, and the heirs of her body, being Protestants, upon whom the Crown of England is settled by an Act of Parliament made in England in the twelfth year of the reign of his late Majesty King William the Third, entitled, *An*

Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject: And that all Papists, and persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the imperial Crown of Great Britain, and the dominions thereunto belonging, or any part thereof; and in every such case, the Crown and Government shall from time to time descend to, and be enjoyed by such person being a Protestant, as should have inherited and enjoyed the same, in case such Papists or person marrying a Papist, was naturally dead, according to the provision for the descent of the Crown of England, made by another act of Parliament in England, in the first year of the reign of their late Majesties King William and Queen Mary, entitled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.*

III. That the united kingdom of Great Britain be represented by one and the same Parliament, to be stiled the Parliament of Great-Britain.

IV. That all the subjects of the united kingdom of Great Britain shall, from and after the Union, have full freedom and intercourse of trade and navigation, to and from any port or place within the said united kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges and advantages, which do, or may belong to the subjects of either kingdom, except where it is otherways expressly agreed in these articles.

V. That all ships belonging to her Majesty's subjects of Scotland, at the time of signing this treaty for the Union of the two kingdoms, though foreign built, shall be deemed and pass as ships of the build of Great Britain, the owner, or where there are more owners, one or more of the owners, within twelve months after the Union, making oath, that at the time of signing the said treaty, the same did belong to him or them, or to some other subject or subjects of Scotland, to be particularly named, with the places of their respective abodes, and that the same doth then belong to him or them, and that no foreigner, directly or indirectly, hath any share, part, or interest therein: Which oath shall be made before the chief officer or officers of the Customs in the port next to the abode of the said owner or owners; and the said officer or officers shall be empowered to administer the said oath; and the oath being so administered, shall be attested by the officer or officers who administered the same; and being registered by the said officer or officers, shall be delivered to the master of the ship, for security of her navigation, and a duplicate thereof shall be transmitted by the said officer or officers to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain.

VI. That

VI. That all parts of the united kingdom for ever, from and after the Union, shall have the same allowances and encouragements, and be under the same prohibitions, restrictions and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements, prohibitions, restrictions and regulations of trade, and the customs and duties on import and export settled in England when the Union commences, shall, from and after the Union, take place throughout the whole united kingdom.

VII. That all parts of the united kingdom be for ever, from and after the Union, liable to the same excises upon all exciseable liquors; and that the excise settled in England on such liquors, when the Union commences, take place throughout the whole united kingdom.

VIII. That from and after the Union, all foreign salt which shall be imported into Scotland, shall be charged at the importation there, with the same duties as the like salt is now charged with, being imported into England, and to be levied and secured in the same manner: But Scotland shall, for the space of seven years from the said Union, be exempted from the paying in Scotland for salt made there, the duty or excise now payable for salt made in England; but, from the expiration of the said seven years, shall be subject and liable to the same duties for salt made in Scotland, as shall be then payable for salt made in England, to be levied and secured in the same manner, and with the like draw-backs and allowances as in England. And during the said seven years, there shall be paid in England for all salt made in Scotland, and imported from thence into England, the same duties upon the importation, as shall be payable for salt made in England, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in England: and that, during the said seven years, no salt whatsoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity, for which the carrier, as well as the owner, shall be liable jointly and severally; and the persons bringing or carrying the same, to be imprisoned by any one justice of the peace by the space of six months without bail, and until the penalty be paid; and that, during the said seven years, all salted flesh or fish exported from Scotland to England, or made use of for victualling of ships in Scotland, and all flesh put on board in Scotland, to be exported to parts beyond the seas, which shall be salted with Scots salt, or any mixture therewith, shall be forfeited and may be seized; and that from and after the Union, the laws and acts of Parliament in Scotland, for pining, curing and packing of herrings, white fish and salmon for exportation, with foreign salt only, and for preventing of frauds in curing and packing of fish, be continued in force in Scotland, subject to such alterations

tions as shall be made by the Parliament of Great Britain; and that all fish exported from Scotland to parts beyond the seas, which shall be cured with foreign salt only, shall have the same easies, premiums and draw-backs, as are or shall be allowed to such persons as export the like fish from England: and if any matters of fraud relating to the said duties on salt shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the Parliament of Great Britain.

IX. That whenever the sum of one million, nine hundred and ninety-seven thousand, seven hundred and sixty-three pounds, eight shillings and four-pence halfpenny, shall be enacted by the Parliament of Great-Britain, to be raised in that part of the united kingdom now called England, on land and other things usually charged in acts of Parliament there, for granting an aid to the Crown by a land-tax; that part of the united kingdom, now called Scotland, shall be charged by the same act with a further sum of forty-eight thousand pounds, free of all charges, as the quota of Scotland to such tax, and so proportionably for any greater or lesser sum raised in England by any tax on land, and other things usually charged together with the land; and that such quota for Scotland, in the cases aforesaid, be raised and collected in the same manner as the cefs now is in Scotland, but subject to such regulations in the manner of collecting, as shall be made by the Parliament of Great Britain.

X. That during the continuance of the respective duties on stamped paper, vellum and parchment, by the several acts now in force in England, Scotland shall not be charged with the same respective duties.

XI. That during the continuance of the duties payable in England on windows and lights, which determines on the first day of August, one thousand seven hundred and ten, Scotland shall not be charged with the same duties.

XII. That during the continuance of the duties payable in England on coals, culm and cinders, which determines the thirtieth day of September, one thousand seven hundred and ten, Scotland shall not be charged therewith for coals, culm and cinders consumed there, but shall be charged with the same duties as in England for all coal, culm and cinders not consumed in Scotland.

XIII. That during the continuance of the duty payable in England upon malt, which determines the twenty-fourth day of June, one thousand seven hundred and seven, Scotland shall not be charged with that duty.

XIV. That the kingdom of Scotland be not charged with any other duties laid on by the Parliament of England before the Union, except those consented to in this treaty; in regard it is agreed, that all necessary provision shall be made by the Parliament of Scotland, for the public charge and service of that kingdom, for the year one thousand seven hundred and seven: Providing nevertheless,

less, that, if the Parliament of England shall think fit to lay any farther impositions, by way of customs, or such excises, with which, by virtue of this treaty, Scotland is to be charged equally with England; in such case, Scotland shall be liable to the same customs and excises, and have an equivalent to be settled by the Parliament of Great Britain. And seeing it cannot be supposed that the Parliament of Great Britain will ever lay any sorts of burdens upon the united kingdom, but what they shall find of necessity, at that time, for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom: therefore, it is agreed, that there be no further exemption insisted on for any part of the united kingdom; but that the consideration of any exemptions, beyond what are already agreed on in this treaty, shall be left to the determination of the Parliament of Great Britain.

XV. Whereas, by the terms of this treaty, the subjects of Scotland, for preserving an equality of trade throughout the united kingdom, will be liable to several customs and excises now payable in England, which will be applicable towards payment of the debts of England, contracted before the Union; it is agreed that Scotland shall have an equivalent for what the subjects thereof shall be so charged, towards payment of the said debts of England, in all particulars whatsoever, in manner following, viz. That before the union of the said kingdoms, the sum of 398,085*l.* 10*s.* be granted to Her Majesty by the Parliament of England, for the uses after-mentioned, being the equivalent to be answered to Scotland, for such parts of the said customs and excises upon all exciseable liquors, with which that kingdom is to be charged upon the Union, as will be applicable to the payment of the said debts of England, according to the proportions which the present customs in Scotland, being 30,000*l.* per annum, do bear to the customs in England computed at 1,341,559*l.* per annum: and which, the present excises on exciseable liquors in Scotland being 33,500*l.* per annum, do bear to the excises on exciseable liquors in England, computed at 947,602*l.* per annum; which sum of 398,085*l.* 10*s.* shall be due and payable from the time of the Union: and in regard that, after the Union, Scotland becoming liable to the same customs and duties payable on import and export, and to the same excises on all exciseable liquors as in England, as well upon that account, as upon the account of the increase of trade and people, (which will be the happy consequence of the Union) the said revenues will much improve beyond the before-mentioned annual values thereof, of which no present estimate can be made: yet nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to Scotland.—It is agreed, that, after the Union, there shall be an account kept of the said duties arising in Scotland, to

the end it may appear what ought to be answered to Scotland, as an equivalent for such proportion of the said increase as shall be applicable to the payment of the debts of England. And for the further and more effectual answering the several ends hereafter mentioned, it is agreed, that from and after the Union, the whole increase of the revenues of customs, and duties on import and export, and excise upon exciseable liquors in Scotland, over and above the annual produce of the said respective duties, as above stated, shall go and be applied, for the term of seven years, to the uses hereafter mentioned; and that, upon the said account, there shall be answered to Scotland annually, from the end of seven years after the Union, an equivalent in proportion to such part of the said increase as shall be applicable to the debts of England. And whereas, from the expiration of seven years after the Union, Scotland is to be liable to the same duties for salt made in Scotland, as shall then be payable for salt made in England; it is agreed, that, when such duties take place there, an equivalent shall be answered to Scotland, for such part thereof as shall be applied towards payment of the debts of England; of which duties an account shall be kept, to the end it may appear what is to be answered to Scotland as the said equivalent. And generally, that an equivalent shall be answered to Scotland for such parts of the English debts as Scotland may hereafter become liable to pay by reason of the Union, other than such for which appropriations have been made by Parliament in England of the customs, or other duties on export and import, excises on all exciseable liquors, or salt, in respect of which debts equivalents are herein before provided. And as for the uses to which the said sum of 398,085l. 10s. to be granted as aforesaid, and all other monies, which are to be answered or allowed to Scotland as aforesaid, it is agreed, that, out of the said sum of 398,085l. 10s. all the public debts of the kingdom of Scotland, and also the capital stock or fund of the African and Indian Company of Scotland advanced, together with the interest for the said capital stock, after the rate of 5l. percent. per annum, from the respective times of the payment thereof, shall be paid: Upon payment of which capital stock and interest, it is agreed, the said Company be dissolved and cease; and also, that from the time of passing the act of Parliament in England, for raising the said sum of 398,085l. 10s. the said Company shall neither trade, nor grant licence to trade. And as to the overplus of the said sum of 398,085l. 10s. after the payment of the said debts of the kingdom of Scotland, and the said capital stock and interest, and also the whole increase of the said revenues of customs, duties and excises, above the present value, which shall arise in Scotland during the said term of seven years, together with the equivalent which shall become due upon account of the improvement thereof in Scotland after the said term; and also, as to all other sums, which, according to the agreements aforesaid, may become payable to Scotland by way of equivalent for what that kingdom shall hereafter become

liable

liable towards payment of the debts of England, it is agreed, that the same be applied in the manner following, viz. That out of the same, what consideration shall be found necessary to be had for any losses which private persons may sustain, by reducing the coin of Scotland to the standard and value of the coin of England, may be made good; and afterwards the same shall be wholly applied towards encouraging and promoting the fisheries, and such other manufactories and improvements in Scotland as may most conduce to the general good of the united kingdom. And it is agreed, that her Majesty be impowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain, for disposing the said sum of 398,085*l.* 10*s.* and all other monies which shall arise to Scotland upon the agreements aforesaid, to the purposes before mentioned: Which Commissioners shall be impowered to call for, receive, and dispose of the said monies in the manner aforesaid, and to inspect the books of the several collectors of the said revenues, and of all other duties, from whence an equivalent may arise; and that the collectors and managers of the said revenues and duties be obliged to give to the said Commissioners subscribed authentic abbreviates of the produce of such revenues and duties arising in their respective districts; and that the said Commissioners shall have their office within the limits of Scotland, and shall, in such office, keep books containing accounts of the amount of the equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the subjects who shall desire the same.

XVI. That, from and after the Union, the coin shall be of the same standard and value throughout the united kingdom, as now in England, and a mint shall be continued in Scotland under the same rules as the mint in England, subject to such regulations as her Majesty, her heirs, or successors, or the Parliament of Great Britain shall think fit.

XVII. That, from and after the Union, the same weights and measures shall be used throughout the united kingdom as are now established in England; and standards of weights and measures shall be kept by those boroughs in Scotland, to whom the keeping the standards of weights and measures, now in use there, does of special right belong: All which standards shall be sent down to such respective boroughs from the standards kept in the Exchequer at Westminster, subject nevertheless to such regulations as the Parliament of Great Britain shall think fit.

XVIII. That the laws concerning regulation of trade, customs, and such excises to which Scotland is by virtue of this treaty to be liable, be the same in Scotland, from and after the Union, as in England; and that all other laws in use within the kingdom of Scotland, do after the Union, and notwithstanding

thereof, remain in the same force as before, (except such as are contrary to, or inconsistent with the terms of this treaty) but alterable by the Parliament of Great Britain; with this difference betwixt the laws concerning public right, policy, and civil government, and those which concern private right, that the laws which concern public right, policy, and civil government, may be made the same throughout the whole united kingdom; but that no alteration be made in laws which concern private right, except for evident utility of the subjects within Scotland.

XIX. That the Court of Session, or College of Justice, do after the Union, and notwithstanding thereof, remain in all time coming within Scotland as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the Union; subject nevertheless to such regulations for the better administration of justice, as shall be made by the Parliament of Great Britain; and that the Court of Justiciary do also, after the Union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the Union, subject nevertheless to such regulations as shall be made by the Parliament of Great Britain, and without prejudice of other rights of justiciary; and that all Admiralty jurisdictions be under the Lord High Admiral, or Commissioners for the Admiralty of Great Britain for the time being; and that the Court of Admiralty now established in Scotland be continued, and that all reviews, reductions, or suspensions, of the sentences in maritime cases, competent to the jurisdiction of that Court, remain in the same manner after the Union, as now in Scotland, until the Parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole united kingdom, so as there be always continued in Scotland a Court of Admiralty, such as is in England, for determination of all maritime cases relating to private rights in Scotland, competent to the jurisdiction of the Admiralty Court; subject nevertheless to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain; and that the heretable rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective proprietors as rights of property, subject nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain; and that all other Courts now in being within the kingdom of Scotland do remain, but subject to alterations by the Parliament of Great Britain; and that all inferior courts within the said limits do remain subordinate, as they are now, to the supreme courts of justice within the same, in all time coming; and that no causes in Scotland be cognizable by the Courts of Chancery, Queen's-Bench, Common-Pleas, or any other Court in Westminster-hall; and that the said Courts, or any other of the like nature, after the Union, shall have

no power to cognize, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same; and that there be a Court of Exchequer in Scotland, after the Union, for deciding questions concerning the revenues of customs and excises there, having the same power and authority, in such cases, as the Court of Exchequer has in England; and that the said Court of Exchequer in Scotland have power of passing signatures, gifts, tutories, and in other things, as the Court of Exchequer at present in Scotland hath; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be settled by the Parliament of Great Britain in Scotland, after the Union; and that, after the Union, the Queen's Majesty, and her royal successors, may continue a Privy Council in Scotland, for preserving of public peace and order, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

XX. That all heretable offices, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding of this treaty.

XXI. That the rights and privileges of the royal-boroughs in Scotland, as they now are, do remain intire, after the Union, and notwithstanding thereof.

XXII. That by virtue of this treaty, of the Peers of Scotland, at the time of the Union, sixteen shall be the number to sit and vote in the House of Lords, and forty-five the number of the representatives of Scotland in the House of Commons of the Parliament of Great Britain; and that when her Majesty, her heirs or successors, shall declare her or their pleasure, for holding the first or any subsequent Parliament of Great Britain, until the Parliament of Great Britain shall make further provision therein, a writ do issue under the great seal of the united kingdom, directed to the Privy Council of Scotland, commanding them to cause sixteen Peers, who are to sit in the House of Lords, to be summoned to Parliament, and forty-five Members to be elected to sit in the House of Commons of the Parliament of Great Britain, according to the agreement in this treaty, in such manner as by the Parliament of Scotland shall be settled before the Union: And that the names of the persons so summoned and elected shall be returned by the Privy Council of Scotland, into the court from whence the said writ did issue. And that, if her Majesty, on or before the first day of May next, on which day the Union is to take place, shall declare, under the great seal of England, that it is expedient, that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the respective Houses of the first Parliament of Great Britain, for, and on the part of England, then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the Members of the respective

spective Houses of the first Parliament of Great Britain, for, and on the part of England: And her Majesty may, by her royal proclamation, under the great seal of Great Britain, appoint the said first Parliament of Great Britain to meet at such time and place as her Majesty shall think fit; which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such Parliament being so appointed, a writ shall be immediately issued, under the great seal of Great Britain, directed to the Privy Council of Scotland, for the summoning the sixteen Peers, and for electing forty-five Members, by whom Scotland is to be represented in the Parliament of Great Britain: And the Lords of Parliament of England, and the sixteen Peers of Scotland, such sixteen Peers being summoned and returned in the manner agreed in this treaty; and the Members of the House of Commons of the said Parliament of England, and the forty-five Members for Scotland, such forty-five Members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively, in their respective Houses of the Parliament of Great Britain, at such time and place as shall be so appointed by her Majesty, and shall be the two Houses of the first Parliament of Great Britain; and that Parliament may continue for such time only as the present Parliament of England might have continued, if the Union of the two kingdoms had not been made, unless sooner dissolved by her Majesty; and that every one of the Lords of Parliament of Great Britain, and every Member of the House of Commons of the Parliament of Great Britain, in the first and all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherwise direct, shall take the respective oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy, by an act of Parliament made in England, in the first year of the reign of the late King William and Queen Mary, intituled, *An act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other oaths*; and make, subscribe, and audibly repeat the Declaration mentioned in an act of Parliament made in England, in the thirtieth year of the reign of King Charles the Second, intituled, *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; and shall take and subscribe the oath mentioned in an act of Parliament made in England, in the first year of her Majesty's reign, entitled, *An act to declare the alterations in the Oath appointed to be taken by the act*, intituled, *An act for the further security of His Majesty's Person, and the succession of the crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors*; and for declaring the Association to be determined at such time, and in such manner, as the Members of both Houses of Parliament of England are, by the said respective acts, directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained. And it is declared

declared and agreed, that these words, *this realm, the crown of this realm, and the Queen of this realm*, mentioned in the Oaths and Declaration, contained in the aforesaid acts, which were intended to signify the Crown and Realm of England, shall be understood of the Crown and Realm of Great Britain; and that, in that sense, the said Oaths and Declaration be taken and subscribed by the Members of both Houses of the Parliament of Great Britain.

XXIII. That the aforesaid sixteen Peers of Scotland, mentioned in the last preceding article, to sit in the House of Lords of the Parliament of Great-Britain, shall have all privileges of Parliament, which the Peers of England now have, and which they, or any Peers of Great Britain, shall have after the Union, and particularly the right of sitting upon the trials of Peers: and in case of the trial of any Peer, in time of adjournment or prorogation of Parliament, the said sixteen Peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other Peers of Great Britain; and that in case any trials of Peers shall hereafter happen, when there is no Parliament in being, the sixteen Peers of Scotland, who sat in the last preceding Parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other Peers of Great Britain; and that all Peers of Scotland, and their successors to their honours and dignities, shall, from and after the Union, be Peers of Great Britain, and have rank and precedence next and immediately after the Peers of the like orders and degrees in England, at the time of the Union, and before all Peers of Great Britain, of the like orders and degrees, who may be created after the Union; and shall be tried as Peers of Great Britain, and shall enjoy all privileges of Peers, as fully as Peers of England do now, or as they or any other Peers of Great Britain may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of Peers.

XXIV. That from and after the Union, there be one great seal for the united kingdom of Great Britain, which shall be different from the great seal now used in either kingdom; and that the quartering the arms as may best suit the Union, be left to her Majesty; and that in the mean time the great seal of England be used as the great seal of the united kingdom; and that the great seal of the united kingdom be used for sealing writs to elect and summon the Parliament of Great Britain, and for sealing all treaties with foreign Princes and states, and all public acts, instruments and orders of state, which concern the whole united kingdom, and in all other matters relating to England, as the great seal of England is now used: and that a seal in Scotland, after the Union, be always kept and made use of in all things relating to private rights or grants, which have usually passed the great seal of Scotland, and which only concern offices, grants, commissions and private rights within that kingdom; and that until such seal shall be appointed by her Majesty, the present great seal of

Scotland shall be used for such purposes ; and that the privy seal, signet, cassid, signet of the Justiciary Court, quarter seal, and seals of courts now used in Scotland be continued ; but that the said seals be altered and adapted to the state of the Union, as her Majesty shall think fit ; and the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the Parliament of Great Britain shall hereafter make.

XXV. That all laws and statutes in either kingdom, so far as they are contrary to, or inconsistent with the terms of these articles, or any of them, shall, from and after the Union, cease and become void, and shall be so declared to be by the respective Parliaments of the said kingdoms.

In testimony whereof, the Commissioners for the respective kingdoms, empowered as aforesaid, have set their hands and seals to these articles, contained in this and the twenty-five foregoing pages, at Westminster the day and year first above written.

Seafeld, Cancellar,
Queensberry, C. P. S.
Mar, S.
Loudoun, S.
Sutherland,
Morton,
Wemyss,
Leven,
Stair,
Roseberie.
Glasgow,
Arch. Campbell,
Dupplin,
Roffe.
Hew Dalrymple,
Ad. Cokburne,
F. Montgomerie,
David Dalrymple,
Pattr. Johnston,
Ja. Smollett,
W. Morison,
Alexander Grantt.
W. Seton,
John Clerk,
Dan. Steuart,
Daniel Campbell.

Tho. Cantuar,
Wm. Couper, C. S.
Godolphin,
Pembroke, P.
Newcastle, C. P. S.
Devonshire,
Somerset,
Bolton,
Kingston,
Sunderland,
Orford,
Townshend,
Twharton,
Poulett,
Somers,
J. Smith,
Hartington,
Granby,
C. Hedges.
Ro. Harley,
H. Boyle,
J. Holt,
Tho. Trevor,
Edw. Northey,
Sim. Harcourt.
J. Cooke,
Stephen Waller.

OF THE CARRYING ON OF THE
T R E A T Y
I N
S C O T L A N D.

AND thus the treaty at London ended, which, though it seemed very perfect in all its parts, and, as abundance of people thought, could not want any corrections, yet, as by the sequel appeared, the most difficult work was yet to do.

I know some were of the opinion, that this treaty could admit of no additions, amendments, or alterations, and that the words in the respective acts of Parliament previous to it, (which said, provided that nothing in this treaty should be binding to either nation, unless it shall be ratified in the respective Parliaments of both kingdoms) implied that the respective Parliaments had no power to enter into the articles separately and apart, but only debating on the whole, to approve or disapprove, ratify or reject it as a treaty.

I shall not trouble the reader with any of the reasons given for this notion, nor make any other remark upon it than this,—that the people who were for this opinion, were of two sorts, and both such as the nations, on either side, were very little beholding to.

1. They were such, who having no great concern for the essential part of the treaty, viz. the good of their country, were for taking all upon trust, and concerned not themselves either with the event, or with the circumstances, and therefore without any difficulty were willing to put all upon a mere plurality of voices, not much regarding whether it went this way or that. I shall be kinder to these gentlemen than to record their names, or leave them (so eminent in folly) to be known by posterity, lest their children should be told hereafter how little their country was obliged to them.

2. The other sort, whose follies ought equally to be concealed, I mean as to naming them, were such who were willing to have them put to the question in gross; presuming,

1. That either their being so voted, would hand them down clogged with so many inconveniences as would in time force the nations to break the articles, or bringing them to the necessity of falling to pieces, the treaty should dissolve of course. Or,

2. That being voted in general; with so many apparent difficulties as they pretended to see in them, they would infallibly be lost in this Parliament, and so, as formerly, the whole treaty come to nothing.

That these people aimed not at shortening the labour, but at cutting off the Union itself, is manifest, and it was but too apparent afterwards; since, generally speaking, they were all against the treaty in its future debates, and that in every article; by which they plainly made it appear, that they did not argue so much to rectify and amend as to destroy; not so much to make the articles more perfect, or more explicit, more advantageous, or more satisfying; but to annihilate them as articles, and dissolve the very life and being of the treaty: And this appeared in that through all the debates that happened afterwards, they shewed themselves equally against every article, and at the same time that they objected against things, very seldom concerned themselves to propose the alternatives, but rather pushed at overthrowing the substance of the thing; and, if possible, to urge the most necessary articles as impracticable and inconsistent.

As on the one hand, this discovered the design of the persons to be not amending, but destroying the articles; so it manifestly exposed their ignorance, either of their own strength in Scotland, or of the strength of their friends in the South, in both which parts (had their weak politics prevailed to have put the treaty in general to a vote) they would have lost it by a majority of voices, the generality of both nations being fully convinced of the absolute necessity of an Union, and would rather have voted it without the amendments than have lost it.

If I am asked how I prove this, I think I have a very good foundation for it.

1. In the motions first made in the Parliament House in Scotland, November 1, 1706, when the strength of the House, as they call it, was effectually tried.

1. It was moved that the Parliament now proceed to the farther and more particular consideration of the articles of the Union, in order to approve them or not.

N. B. The articles had been read and discoursed on severally in the House, and had taken up sixteen days barely reading them one by one, to hear what one another could say, and to give the Members light into the particulars, viz. from the 15th of October to the 1st of November.

2. Upon this first motion another followed, viz. That the farther consideration of the Union be yet delayed for some considerable time, that the sentiments of the Parliament of England thereanent be known, and that the Members of Parliament may consult those they represent.—Vide the Minutes of Parliament, Number 13. But neither of these attempts could be carried in the House, nor could they bring the motion to a vote in the terms the proposal was made, viz. Of consulting Constituents, or waiting till the English Parliament should sit:—To both which I shall speak in their turn. I only mention it here to show that it was apparent these motions proceeded only from a desire

to gain time, which they thought might furnish a variety of accidents to disappoint the whole. And the many weak attempts and low steps some gentlemen took, if possible to delay the proceedings, plainly shewed the very juncture of time when this was doing, was one of the greatest unhappineffes, as they thought it, which befel the party.

2. But I prove this further by the unanimity of the English Parliament in passing the treaty, and ratifying, without any amendment, what they thought they had clogged with so many inequalities on the other side, that it could never go down with them.

I shall further convince the reader of the manifest design of the party against the Union, as such, from their frequent attempts to clog the articles with such things as they knew it was impossible the Parliament of England could grant; as a liberty to export wool, &c. different drawbacks, and different prohibitions in trade, differing and disproportioned excises, customs and taxes, &c. of which I shall take the freedom to speak in their turn.

But being disappointed in these, they found the Parliament of England so unanimous, that they passed all their amendments, some of which were such as the party having merely clamoured the House into, were really past, not so much for any respect to their true signification, as for the sake of giving some satisfaction to uneasy people.

How much more then the Parliament of England would have passed the whole treaty unaltered, is very evident, and consequently it is as plain that these people had taken no aim in their offering to vote the articles in the gross, upon a presumption that it would be a mean to make the whole miscarry.

The treaty being concluded in England, and the Commissioners separated; the next thing was the meeting of the respective Parliaments of the two kingdoms for ratification of the articles.

The Parliament of Scotland was first, being to meet the third of October, 1706. The Queen was represented in this Parliament by the Duke of Queensberry. I know it is not the part of a historian to make panegyrics, and I think I have given demonstrations to the world, as to myself, that I will flatter no man. But I cannot but give this testimony here, that the prudence, calmness, temper and moderation of this noble person, had these two visible effects.

1. It gave a wonderful testimony to the Queen's judgment, and the right notions she had entertained of the true state, not of her affairs only, but of her people, that her Majesty knew this work must be carried on, not by too much fire or too much water; neither by want of zeal or too much zeal; that there was an insolent party to deal with, who must be borne with, not exasperated; calmed, not enraged. That there would be as much difficulty required to deal

with friends as with enemies, to reconcile jarring interests, clashing parties, and keep all in temper. There was a strong party for the Union, but they were made up of several parties, just come together as for the occasion; they were like Epicurus's atoms, by a strange fortuitous chance of concurring circumstances, brought to join in this, who were perfect antipodes in all their former measures, and could never agree to act together before. It was not a matter of the least consequence to bring together and keep together strong and differing parties, who acted even in this very thing, from different views, and some with directly contrary designs, and it was all the way as fatiguing to keep some gentlemen in suited temper for this great work, as to oppose the fire and fury of those that set themselves against it. Under the solid consideration of all this, and with a full view of the difficulties, at least in general, her Majesty pitches upon the Duke of Queensberry, as a person of temper, prudence and moderation, unexceptionable in knowledge of what was before him, resolute in pursuing it through all difficulties, and of a calm courage in all the passive part of it, of which I shall speak more at large hereafter.

2. It had this particular advantage, that it was in a great measure the only thing that carried this difficult work on, that the Duke, in all the heats and animosities of the party, in all the convulsions of the kingdom, carried on the treaty with easiness, temper and extraordinary conduct, not taking advantages of the rashness and rudeness of the people, pitying rather than apprehending danger from their folly, he kept his hand upon the work, his eye upon the principals of the opposite party; he disappointed all their measures; he let himself into the darkest of their counsels; he pursued the main and great work in hand; and with a contempt above my power to express, received all their insults, laughed at their threatenings, treated them courteously and calmly under the most intolerable carriage, and this, under the supreme conduct, was the only step by which this great work could have been brought to pass.

Had warmer heads been listened to, had resentment been prevailing, had provocations, almost beyond the power of flesh and blood to bear, been prevailing; and I must own, who was an eye witness to it all, that I often wondered how it was possible to bear such things; I say, had the gentlemen of warmer heads been listened to, nay even with strong reasonings, and from men of sound judgments too;—all had been undone, and the nation had been in a flame; we had been destroyed, not delivered; the Government had been dissolved, not united; and Britain had by this time been the seat of blood, not an united and prospering nation.

But this by the way: The Parliament being to meet, her Majesty's High Commissioner hastened down to Scotland, and the Queen on all occasions expressing her hopes that this treaty would come to a happy issue. It was generally

rally expected it would be received with the same chearfulness and alacrity in Scotland, and all our eyes were bent upon the meeting of the approaching Parliament.

In this general expectation, I cannot forbear hinting here, that my curiosity pressed me to take a journey thither, and being by all my friends, to whom I communicated my design, encouraged to think I might be useful there to prompt a work that I was fully convinced was for the general good of the whole island; and particularly necessary for the strengthening the protestant interest, I was moved purely on these accounts to undertake a long winter, a chargeable, and as it proved, a hazardous journey.

I condemn, as not worth mentioning, the suggestions of some people, of my being employed thither, to carry on the interest of a party.—I have never loved any parties, but with my utmost zeal have sincerely espoused the great and original interest of this nation, and of all nations, I mean truth and liberty,—and whoever are of that party, I desire to be with them.

However, by this journey, I had the opportunity of seeing and hearing all the particulars of the following transactions, and of using my best endeavours to answer the many, many, and I must say of some of them, the most frivolous and ridiculous objections, formed and improved there with great industry, against every article of the Union; and this is my reason for mentioning it here, that I may acquaint posterity how I came to the knowledge of what I write; and for no ostentation at all: and as I had the honour to be frequently sent for into the several Committees of Parliament, which were appointed to state some difficult points relating to equalities, taxes, prohibitions, &c. 'Tis for those gentlemen to say, whether I was useful or not, that is none of my business here; but by this means I have the greater assurance to relate the circumstances and fact as it stood before them, and cannot be afraid of being detected in any material mistake.

And as this is the reason of my making any mention of myself, so the reader cannot but be content to know, from what foundation this relation is handed down to posterity, and what assurance he has that the author he reads was capable of giving him a right state of the matter.

I have hinted already with what freedom the scribblers of the age, if I may give them that title, took upon them, in the beginning of this affair, to determine what sort of Union was proper to be treated of, and every one having vented his politics this way, and that way, as his interest or party, or particular employer dictated, we thought that storm had been over; when the Parliament first sat down in Scotland, the generality of people seemed very easy and forward for an Union in general, as what had long indeed been the desire of the whole nation; and therefore the strange alienation of the humours of the
people

people, on the general part of it, was the more wonderful, and the more unexpected; of which, and its causes, I am now to speak; of the effects I shall be more particular hereafter.

On the third of October the Parliament met; his Grace Her Majesty's High Commissioner opened the session according to the usual forms.

First Her Majesty's letter to the Parliament was presented to the House by the High Commissioner, and being received, was read by the Lord Clerk Register, and is as follows:

“ ANNE, R.

“ My Lords and Gentlemen,

“ SINCE your last meeting, we did nominate Commissioners to treat of an Union betwixt our two kingdoms of Scotland and England, and by their great care and diligence, a treaty is happily concluded and laid before Us.

“ We have called you together as soon as our affairs could permit, that the treaty may be under your consideration, in pursuance of the act made in the last session of our Parliament there; and we hope the terms will be acceptable to you.

“ The Union has been long desired by both nations, and we shall esteem it as the greatest glory of our reign to have it now perfected, being fully persuaded, that it must prove the greatest happiness of our people.

“ An intire and perfect Union will be the solid foundation of lasting peace; it will secure your religion, liberty and property, remove the animosities amongst yourselves, and the jealousies and differences betwixt our two kingdoms: it must increase your strength, riches and trade, and by this Union the whole island being joined in affection, and free from all apprehension of different interests, will be enabled to resist all its enemies, support the protestant interest every where, and maintain the liberties of Europe.

“ We do upon this occasion renew the assurances we have formerly given you, of our resolution to maintain the government of the Church, as by law established in Scotland; and the acts of both Parliaments, upon which this treaty proceeded, having reserved their respective governments of the Church in each kingdom, the Commissioners have left that matter intire; and you have now an opportunity for doing what may be necessary for security of your present Church government after the Union within the limits of Scotland.

“ The support of our government, and your own safety does require, that you do make necessary provision for maintaining the forces, ships and garri- sons, until the Parliament of Great Britain shall provide for these ends in the united kingdom.

“ We have made choice of our right trusty, and right entirely beloved Coun- sin and Counsellor, James Duke of Queensberry, to be our Commissioner,

“ and

“ and represent our Royal Person, being well satisfied with his fitness for that
 “ trust, from the experience we have of his capacity, zeal and fidelity to our
 “ service, and the good of his country; which, as it has determined us in the
 “ choice, we doubt not but will make him acceptable to you.

“ We have fully instructed him in all things we think may fall under your
 “ consideration, and seems to be necessary at present: therefore we desire that
 “ you may give entire trust and credit to him.

“ My Lords and Gentlemen,

“ It cannot but be an encouragement to you to finish the Union at this time,
 “ that God Almighty has blessed our arms, and those of our allies, with so great
 “ success, and which gives us the nearer prospect of a happy peace, and with it
 “ you will have the full possession of all the advantages of this Union; and you
 “ have no reason to doubt but the Parliament of England will do what is neces-
 “ sary on their part, after the readiness they have shown to remove what might
 “ obstruct the entering on the treaty. We most earnestly recommend to you
 “ calmness and unanimity in this great and weighty affair, that the Union may
 “ be brought to a happy conclusion, being the only effectual way to secure your
 “ present and future happiness, and to disappoint the designs of our and your
 “ enemies, who will, doubtless, on this occasion, use their utmost endeavours
 “ to prevent or delay this Union, which must so much contribute to our glory,
 “ and the happiness of our people; and so we bid you heartily farewell. Given
 “ at our court at Windsor-Castle, the 31st day of July 1706, and of our reign
 “ the fifth year.”

By Her Majesty's Command.

M A R.

This letter having been twice read, the Duke of Queensberry seconded the Queen's letter with the following speech.

“ My Lords and Gentlemen,

“ Her Majesty, by her gracious letter, has acquainted you, that the treaty
 “ of Union, between the kingdoms of Scotland and England (pursuant to an
 “ act made in your last session) has been happily agreed on, which is now in my
 “ Lord Register's hands, ready to be laid before you.

“ The Lords Commissioners for this kingdom have been diligent and zealous
 “ in concerting just and reasonable terms; and it must be acknowledged, we
 “ met with a fair and friendly disposition in the Lords Commissioners on the
 “ other part.

“ The

“ The treaty has, with all humility, been presented to the Queen, and was
 “ most graciously received; and though no reign was ever so truly great, for
 “ wise and steady councils, and so many important successes, as that of her
 “ Majesty; yet, you see, she is pleased to esteem the perfecting of this Union,
 “ as the greatest glory of her reign, being the most solid foundation of a lasting
 “ security to the Protestant religion, and the liberties of Europe, and of peace
 “ and happiness to her people.

“ These reasons, I doubt not, will make the treaty acceptable to you; and I
 “ persuade myself that you will proceed with such calmness and impartiality, as
 “ the weight of the subject requires, and as becomes so great an assembly.

“ The Lords Commissioners for both kingdoms were limited in the matter of
 “ church government; for the security of Presbyterian government in this
 “ Church, you have the laws already made for its establishment, the Queen’s
 “ repeated assurances to preserve it, and I am impowered to consent to what
 “ may be further necessary after the Union.

“ Her Majesty has been pleased to recommend to you to make provision for
 “ the forces, ships, and garrisons, which is very necessary, the subsidies granted
 “ at your last meeting being run out; so, I doubt not, you will speedily re-
 “ new them.

“ My Lords and Gentlemen,

“ I am not insensible of the difficulties that attend the weighty character it
 “ has pleased her Majesty to honour me with, but, with your favourable assis-
 “ tance, (upon which I very much rely) I hope, by my zeal and fidelity for
 “ her Majesty’s service, and the good of my country, which are inseparable, to
 “ discharge my duty on this extraordinary occasion.”

And this was followed with another speech by the Earl of Seafield, Lord
 Chancellor of Scotland, which I have also inserted here, as follows:

“ My Lords and Gentlemen,

“ It hath been, and is the great happiness of this nation, that the Queen
 “ our Sovereign hath always made it the chief design of her reign, to protect
 “ her subjects, in the enjoyment of all their rights and privileges; to promote
 “ their good, and to establish their peace and prosperity, upon sure and lasting
 “ foundations.

“ For these ends, her Majesty, in her most gracious letter, doth, with great
 “ earnestness, recommend to you the concluding of the Union of the two king-
 doms,

“ doms, and has plainly and fully laid before you the great advantages that this
 “ Union must bring with it to all Britain, and in particular to this kingdom.

“ The Lords Commissioners named by her Majesty for this kingdom, to
 “ treat of this Union, have endeavoured to discharge this great trust with all
 “ fidelity, and have agreed to such terms and conditions, as I hope shall be
 “ found just, honourable and advantageous: the treaty has been already re-
 “ ceived very graciously by her Majesty, and is now ready to be reported to you
 “ for your consideration.

“ I do not think it proper at this time to descend into the particular articles
 “ of the treaty; I shall only beg leave to say in general, that it must be of great
 “ advantage to have this whole island unite under one Government, and con-
 “ joined intirely in interest and affection, having equality of all rights and
 “ privileges, with a free communication and intercourse of trade, which must
 “ certainly establish our security, augment our strength, and increase our
 “ trade and riches.

“ We can never expect a more favourable juncture for compleating this
 “ Union than at present, when her Majesty has not only recommended it, but
 “ declared that she will esteem it the greatest glory of her reign, to have it per-
 “ fected; and when the Parliament of England has shewn their inclinations for
 “ it, by removing all those obstacles that did lay in the way of the treaty: and
 “ it must also be acknowledged, that the Lords Commissioners for England
 “ did testify their good disposition all along in this affair: and the great and
 “ glorious successes wherewith God has blessed her Majesty’s arms, and those of
 “ her allies, give us the hope of a near and advantageous peace, whereby we
 “ will be put in the possession, and attain to the full enjoyment of all the liber-
 “ ties and privileges of trade, now offered by the treaty.

“ The Commissioners of both sides have only treated of such things as con-
 “ cern the civil government, liberties, privileges, trade and taxes; but found
 “ themselves limited as to the church-government, that being reserved to each
 “ kingdom by the respective acts of Parliament upon which the treaty pro-
 “ ceeded: and you have now not only the laws already made, with her Ma-
 “ jesty’s most gracious repeated assurances for maintaining and continuing
 “ Presbyterian church-government within this kingdom; but this further op-
 “ portunity of making such conditions and provisions as shall be found neces-
 “ sary for its security after the conclusion of this Union, within the limits of
 “ Scotland.

“ Her Majesty recommends to you to provide the necessary supplies for the
 “ troops, garrisons and ships; the funds formerly given are expired: and there-
 “ fore I doubt not but you will easily comply with what is so plainly necessary

“ for the preservation of the public safety, and preventing the designs of enemies now in time of war.”

“ My Lords and Gentlemen,

“ Since we have now the opportunity of establishing for ourselves and our posterity, by this Union with England, all that concerns our religion and liberties, together with the most valuable privileges of trade; I am hopeful that you will proceed to the consideration of the articles of the treaty, in such manner as shall bring it to the desired conclusion, and it cannot but tend to the lasting honour of this Session of Parliament, to have so happily finished this most important and weighty matter.”

I choose to place these speeches here, rather than in the Appendix, because they so immediately relate to the story, and to the continuance of the thread of the story, which now comes to be discoursed of, that I thought they could not be so properly transposed.

I shall not enter here into the particular vote of every day, having abstracted those things by way of journal, in another part of the work, with notes upon them, drawn from my own observation, and from the generous assistance of many honourable gentlemen present in the very occurrences of every day, and of impartial, unbiassed judgment in the affair itself. But one thing I must remark here, viz.

The first thing the House did, after the speeches above, was to call for the treaty of the Union as it was drawn up and signed by the Commissioners, and having caused it to be read in the House, upon some general debate, which lasted not long, it was ordered to be printed, and copies to be delivered to the members of Parliament, which was accordingly done.

Till this very day all things had gone on well, and the people in general were very well pleased with the thoughts of the Union. They had not yet had subject for the turbulent spirits to work upon; and having in general only discoursed upon the advantages of both sides, which were indeed in themselves visible enough, the clamorous party which followed had not concerted their measures, from what topics to work upon the humours of the people.

No sooner then were the articles printed, and put into the hands of the people, but the gentlemen who set themselves up against them, began to preach upon the general heads, as their humour and talent instructed them, in order to possess the people against the particulars.

I cannot but distinguish here between the several parties that now opposed the Union: in my observation there were four several sorts of people who were against this treaty, and who, either within doors or without; either in Parliament, in commission, or in conversation, joined to oppose, clamour at, or object against the Union; and it is really necessary here to distinguish of them,

that when I talk, as I shall have frequent occasion in the process of this story, of the opposers, and the parties opposing, it may, by the manner of their opposing, be distinguished who is meant; for I shall not name persons in my discourse of those things, not thinking it necessary to make this history a satire upon any one family, or record to posterity the steps they took in particular, or their reasons for it in this affair.

Where particular actions, more than ordinary public, have distinguished persons, that is their own act and deed, and lies not at my door; but to come to the heads of parties.

1. There was the profest Jacobite party, who opposed the treaty purely on the account of the succession, which they saw evidently was struck at, and would be effectually fixt, contrary to their principles, and eternally exclusive of the family they adhered to; and these declared their aversion to the Union, upon all occasions, publicly and fairly, and, for ought I know, were some of the honestest of the enemies to the treaty.

2. There was the dissenters from the church, or the episcopal party, these opposed the Union also publicly, as it tended in its consequences, entirely to settle the Presbyterian establishment, for ever to fore-close them, and bar the door against all possibility of their recovering the government of the church in the manner they desired; since they saw but too plainly, however blind others were to it, that this treaty would so settle the Presbyterian establishment in Scotland, and so fortify it by law, that if ever they should attempt to recover the hierarchy of episcopacy here, even the very episcopal church, their own brethren in England, would be obliged to oppose and suppress them. And these, so far as they acted fairly, were honest and open enemies also to the Union.

3. There was a mistaken people, I hope I may say so much of my own opinion without offence, for truly I think them mistaken, who, though this Union was calculated entirely for their safety, and tended to their indissoluble establishment, as by the alarm of their enemies was very visibly demonstrated, yet were drawn in by their fears, and, I doubt, those fears too much inflamed by the policy and wicked artifice of whisperers and disguised enemies, to oppose the Union, as dangerous to the church, and as interfering with the several public engagements the nation had entered into. These, or most of them, were honest, well-meaning, and some of them most pious and valuable people; however some of them might sin against moderation in the manner of their dissenting, and a little too warmly push on their private opinions.

Of these people I shall be far from saying any thing severe, for indeed I cannot think any thing ill of them, I mean as to intentional evil. The weakness any of them might discover in forwarding, countenancing, or giving a name to the disorders of the times, was rather the artifice of a party, who endeavoured to enflame the nation, and put the appearance of it upon them, writ-

ing their names upon every action, and intitling every tumult to their protection.

But descending to particulars, we shall find, that however forward, and if their enemies desire it, I'll venture to say, indiscreet some of them might be, in discovering their sentiments with warmth in conversation, yet upon all public occasions their whole opposition of the treaty was confined to legal applications and peaceable endeavours, the tumult at Dumfries only excepted; for as to that of Glasgow, it was wholly Jacobite, mere rabble and tumult of that party, and the poor blinded commonalty deluded and imposed upon by them, contrary to the opinions, and without the assistance of the people I am speaking of, as will appear hereafter.

4. But lastly, there was a party, who vigorously and violently, by all manner of artifice, trick, and underhand dealing, opposed this Union, merely upon politic enigmas, reasons of party, founded upon state principles, ambition, emulation, party-pique, prejudices, and a vast variety of unhappy conjunctions, as served to enflame and agitate their spirits against it. And as these were many of them gentlemen of the first rank, and some of them otherwise even well enough affected to both the succession, and to the church; so I shall show more respect to their persons, than to record them in a case which I promise myself they will some time or other reckon it their misfortune to have opposed, and perhaps be as zealous, now its finished, to preserve, as they were before it was finished, to prevent.

Yet I must confess, it was to these gentlemen we owe the amusing the nation with so many unhappy prejudices, the alarming them with such ungrounded apprehensions, and the embarking the common people against it, merely on the appearing of such men in it, on whose judgments, and on whose quality they had so much dependence.

These were the fatal people against this treaty, these struggled within doors and without, these brought to pass that monstrous conjunction of opposite and discording parties, and brought the Jacobites to cry out for the succession; the episcopal people to want security for the Presbyterian church; the Tory to cry out, breach of covenant; and the well-minded Presbyterian ignorantly excite the people to a rabble.

These went about preaching opposition in every shape, just as it suited the people they had to do with, they undertook to join Cameronian and Persecutor; Presbyterian and Papist; Protestant Succession and Jacobitism; parties as opposite as the elements, as distant as the poles; and these are the people I desire to be understood of, when in this book I talk in general of the opposers of this Union; I name nobody, whoever the coat fits, they are welcome to wear it.

Having thus described the parties, it would be endless to enter into their several methods, by which they concurred together, I do not say confederated,

for

for that was impracticable, their several aims considered; but all concurred nevertheless, to put the management of this affair into the following confusions.

Till the printing of these articles, as I have already noted, the people were generally very desirous of the Union, as a thing which tended to the putting an end to all former animosities, burying the ancient feuds between the nations, and removing the apprehensions good people on both sides had justly entertained of a new rupture, in case of the Queen's demise.

But no sooner were these articles printed and dispersed, but as if every body had set themselves to raise objections, form scruples, and find faults in them, the whole nation fell into a general kind of labour, in canvassing, banding, and cavilling at the conditions.

1. The poor people were terrified with the apprehensions of insupportable taxes, loss of employment, want of all things, and large payments upon their salt and malt.

They were again filled with strange stories of being sold to the English; their Parliament, Crown, Scepter, and even their name as a nation to be lost, and all carried to England.

2. The merchants were frightened with printed schemes of excessive customs and impositions, and the strangest projects of trade were spread about the kingdom that ever were seen, which being gotten into the heads of those people, who yet, by their concern in trade, one would have thought, in common charity, should have known better, were so managed, that it is hardly possible to believe such preposterous notions could prevail upon people, otherwise knowing enough; such as, 1. The profitableness of a trade to France, though all the returns from thence was in perishable goods, such as wines, brandy, and trifles for consumption at home.

2. The unprofitableness of a trade to England, whither their export of cattle and linen, amounting to above 200,000*l*. sterling per annum, brought back very little but ready money.

These were strange things, but so popularly pushed on, that they amused the whole nation, and the poor people were told, the Union would beggar the country, and starve the nation; and this talked up to an extravagant height, made the poor perfectly distracted. Taxes were calculated without allowing for the advantages of the customs in other cases taken off; without considering the taxes on malt and salt were remote, and probably never to be laid; without considering proportions, equalities, and the reasons, nature, or necessity of things; so that the poor people were exasperated to the highest degree, and filled with apprehensions, that they should have neither food to eat, nor beer to drink; that they were just to be sacrificed to the English; be subdued, ruined and destroyed.

3. Those

3. Those articles, which left some things contingent to the Parliamentary jurisdiction, were improved to persuade the people, that all their laws, liberties, estates, and whatever was near and dear to them, was left entirely to the determination and absolute disposal of the British Parliament; in which, they being to have but a small representation, supposing their own members to be always unbiassed and impartial, they should always be over-ruled, out-voted, oppressed and subjected: To talk to them, in this case, of the words unalterable and perpetual, was to say nothing; to say, the British Parliament could make no alterations, was to say nothing. These things had so filled the heads of the people, that nothing could pacify them.

4. But above all this, and which was yet most unhappy, as it tended to an universal alarm, and to embark a great many sober and well-affected people against it, it was carefully represented to be dangerous to the church-government, that all the establishment would be subjected to a vote of Parliament, and a Parliament, where the prelates had a voice against them; that if the Bishops should please to vote Episcopacy into Scotland, they getting a majority in the Parliament, it would be done; that the Church would be ruined; that if she obtained a toleration, it was the most that could be expected in this case, and that was precarious and uncertain, and what they must come a begging to the Bishops for. This made an unspeakable disorder in the minds of the people, and all the methods taken to convince them, that the Parliament could not encroach upon the Church, or any ways concern themselves about it, were to no purpose; they declared the Act of Security to be insufficient, railed at the Scots Parliament's consenting in blank to the establishment of the Church of England, and inveighed against a toleration of Episcopacy here, which they said would be the consequence.

5. And last of all came an universal cry, that this was a plain breach of the national covenant and solemn league, by which the nation had bound themselves by oath to God Almighty, among other things, to endeavour the pulling down the Episcopal hierarchy, and to reform, to the utmost of their power, the Church of England also.—All these things were not only brought as arguments, but pushed with so much heat, so much want of charity and courtesy, that really it began to break all good neighbourhood; it soured all societies, and the national quarrel broke into families, who were ever jangling, divided, and opposite one among another.—Nor was there any offering the expositions, no, not of their own divines, who had declared, that the obligations of the covenant entitled them to no other endeavour of reforming the Church of England, but such as consisted in prayers, exhortations, Christian arguments and examples: vide Doctor Rule's Vindication of the Church of Scotland, p. 16. However,

ever, there was no talking to the people at this time, nothing but patience and time could be expected to remedy it.

In this juncture, and if possible to compleat the distractions of the people, one gentleman, by name Mr. Hodges, and who had formerly been supposed to write for the common good of Scotland, and was rewarded for it by Parliament, by what fate, party, passion or prejudice, remains to this day a doubt,—writes a large book against an incorporate Union; in which he abuses and reproaches England, as a faithless, wicked, treacherous and abominable nation, and that to unite with her, was to entail God's judgment on Scotland for her national sins. A sad instance of the temper of these times.

In this book he sets down two and thirty interfering interests between the nations, which, he pretends, it is impossible to reconcile: It is writ with infinite scandal and falsity; and among the rest, and as a test of the sincerity of the party, he affirms these palpable untruths.

1st. That in commerce, the English trade to the West Indies is carried on in exclusive companies, by which, the letting the Scots into that trade, was an English cheat.

2. That all the ecclesiastical state of the Church was left at the mercy of a British Parliament.

3. That the Members of Parliament in England were obliged to take the Sacrament of the Church of England, before they were admitted to sit in the House.

This is not a place to confute these things; they did not want their answer in their season, and the people in time did begin to see their error, and how this author had, by manifest forgery, imposed upon them.—But still this did the mischief it was calculated for, before any answer could take place; for this book was eagerly espoused by the party, and there was no room to question it was writ at their private appointment: It was industriously spread over all the kingdom in a few days, and no body of any consideration but had a sight of it; nay, it was handed about among the poor people, to stir them up and inflame them, and it had all the success the wickedest creature could wish for; it confounded and amazed the people, the dark side of every thing was shown them, and the true sense of things concealed; and who can but think the people, thus abused, should run out into extravagancies?

It is not so much, that a book fraught with absurdities, falsities and contradictions, merits a note in this work; but I think it is absolutely necessary, to shew where the general disaffection at the Union began, since it was manifest, that, till this time, the people were, in general, very well satisfied, and the prospect of an Union was very grateful to them.

It cannot but be some satisfaction to all those who have heartily espoused this Union,

Union, that the opposition had such a beginning; that its foundation was laid in the party-prejudices of a few, whose refuge and support was the mere assistance of falsties and unparelleled forgeries, by which the poor ignorant people were amused, imposed upon, and led blindly on, even to the brink of their own destruction; from whence, though the good providence of God rescued them, yet they were so possessed, that they flew in the face of every body that attempted to open their eyes, and insulted their deliverers.

It was at least a fortnight that the heats of the people, on account of these articles, continued, before they produced any extravagant effects; and this time was generally spent, in the Parliament, in reading over, discoursing upon, and preparing to debate the articles.

For it may be noted, as will appear by the minutes, that the articles were read over one by one in the House, before the main reading of them; and the Members were admitted to speak freely their opinions on every head, but to put nothing to the vote.

During this work, which was from the third of October to the first of November, the ferment increased, and the whole kingdom seemed to be in a disorder, some accounts of which may be very proper here.

There had always been a strong opposition in this country to the present settlement, both ecclesiastical and civil, and the Revolution was not established without a civil war; which, though it was but short, came to a decisive battle, which had this particular seeming contradiction in it, that the King's army lost the battle, and got the victory.

The Viscount of Dundee, formerly Graham of Claverhouse, headed the malecontent party; the King's forces were routed, but Dundee, unhappily for his party, was found among the slain: His victorious party by his death, not only lost the advantage of their victory, but having lost the chief of their army, they soon dispersed for want of a head, and the present establishment prevailed.

But still they left the North Highlands full of disaffection to the present Government, never submitting, but, as it were, by mere force, even to this day.

All the remains of this party, called particularly the Jacobite, were unanimously against the Union, as they were against the succession.

2. The Episcopal party were against it as before, because they foresaw, that the Presbyterian church would strengthen their settlement, by the addition of England, who by this treaty, would on all occasions, be obliged to support and defend them, and so the party would of course be finally excluded.

These two parties saw themselves abandoned by those who formerly opposed the succession on different reasons, and that those gentlemen had fallen into the Union, as is before hinted; and though I will not say, that they and the

Papists

Papists and Jacobite party were all in an interest before, yet it was manifest they fell in together now unanimously to oppose the Union.

What opposition they had formerly made was under-hand, partly by solicitation of friends, and clashing of parties; they always looked on it as a thing remote and impracticable, and a thing which the constant jars they industriously promoted among the people, and particularly the national antipathy, would always prevent.

But when, contrary to their expectation, they found, that the Union was brought to a head in England; that the Court pushed heartily to bring it to a conclusion; and to their great surprise found the several opposing parties joined together; and that every one, from what different prospects soever, concurred in the Union, and seemed to make their court to the times, on the foot of the zeal they should shew for this new prospect of settlement.

This exceedingly alarmed them; and they found, that now or never was the time to oppose it; that if it obtained now upon the humour of the people, it was certain to be finished, and they and their cause effectually fore-closed from all hopes of ever retrieving their interest.

No sooner therefore was the Parliament met, and the eyes of all the nation fixed upon the event of this great affair, but all the engines of the several parties were set to work; some to expose, some to defend both the proceedings that were already perfected in England, and those that were now entering upon.

Innumerable pamphlets were printed and dispersed over the whole kingdom; and industriously harangued upon by the engines of the respective parties, as their interests led them.

The next step was to find out popular arguments to gratify the humours of the several orders or divisions of the people; and to alarm them with those things in particular, which their several tempers, parties, or designs led them most to apprehend.

Thus they spread all possible scandals and satires against the treaty in general, as well in print as in discourse.

As that it was dishonourable to Scotland; surrendering her sovereignty and constitution; subjecting her to her ancient and implacable enemies.—That it was depressing the honour and dignity of a kingdom that had defended her liberty against England with such gallantry and bravery for so many hundred years, as if she was less able to fight now than never, her sons less bold, her gentry less daring, or less willing to die for their country; that now they were to be slaves, and must run to Westminster to vote with a handful of members, who would never be able to carry a question, or to make any weight there, but just for form's sake sit in the House, and be laughed at.

That the figure Scotland would make in the British Parliament would not be like a kingdom, but like a province; that one county in England, viz. Cornwall, sent up as many members, one excepted, as the whole kingdom; and that this was an eternal badge of their subjection; and the like.

This was a general cry, and began to be very popular: The people cried out, they were Scotsmen, and they would be Scotsmen still; they contemned the name of Britons, fit for the Welchmen, who were made the scoff of the English, after they had reduced them.—Scotland had always had a name and a fame in foreign courts; they were naturalized in France, enjoyed for many years great privileges there, and honours bought with the blood of their ancestors; and they would never give away their birthright, though some of their nation had been driving a bargain for themselves, at the price of selling their country.—Thus they filled the mouths of the common people, who would go about the street crying, “No Union,” and call the treaters traitors, and soon after began to threaten them openly to their faces.

The success the party obtained here to incense the common people was too much, not to encourage them to proceed; and the next step was, to infuse like prejudices into the heads of the several parties and persuasions of people: And this was divided into two:

1. To persuade the honest presbyterian, that the Church would be subjected to the votes, the power, and the oppression of the Episcopal hierarchy in England.

I will not positively assert, that this was a mere Jacobite chimera, or had its pure original in plot and design; the fears and apprehensions of honest people might at first lead them a great way in that case: But I believe nobody will take offence, if I say those fears and apprehensions were soon made a handle by this party, who sat ready to take all occasions, and they immediately raised a cry that the Church was betrayed; that Episcopacy was coming in upon them; that in the British Parliament they should be subjected to the plurality of voices, in which the English bishops, beside their influence on the nobility and gentry, had also their own voices: and that, if the Union ever went forward, they should be certainly suppressed by the prelates, and reduced to a toleration at best, if perhaps that should be obtained.

I cannot be censured by any body, in this conclusion of mine, if it be remembered what strange advocates the Church had at this time,—when those that never came to the Church, never owned the jurisdiction of the Church; but, on the contrary, were always known to maltreat her; reject her establishment; and never joined with her, either in doctrine or discipline, worship or government, went up and down, exclaiming at the designs of the English bishops, to overthrow the established Church.

Nor will it be remote to the purpose to observe, that when the act for the security of the Church came to be debated in Parliament, those very gentlemen appeared zealous to obtain larger conditions, and voted the overture insufficient for the Church's safety, who were never supposed to owe the Church so much good will, or ever before were observed to make her security any part of their concern: nay, nor were ever known so much as to join with the Church; own her discipline, or call themselves members.—But this ceased to be a mystery, when some of those gentlemen honestly declared, this was only done to strengthen their interest against the Union, and openly began to draw their arguments into a chain of successive necessities; that from the very Papist to the Jacobite, the Prelatist, the Presbyterian, the Cameronian, every one might find reasons to act together against the Union, as a common and a national evil. But of this I shall find occasion to speak again presently.

The early spreading these prejudices had but too much success; the party applied themselves, as they found it suited the genius and tempers of the people.

To some it was fatal to the Church, and they would be subjected to prelacy, and the plurality of votes in the British Parliament.

To others, it was dangerous to the state, and the independency, honour and sovereignty of the kingdom was betrayed and given up.

Nay, to the very children and most ignorant people they had their arguments; such as, that the honours, as they call them, the crown of Scotland, sword and sceptre, should be carried away to England. And the boys and mob were invited by a great person, in a melancholy tone, to go in and see the ancient crown of Scotland, for that it would soon be carried away, and they might never see it any more.

To others they had a more subtle argument; which, though it was perhaps begun among those that had no ill in their design, as is said of the first, yet, they carefully improved this, as they did all other things, to the general confusion of the times: and this was a notion, that it was absolutely against the national covenant, in which the people had sworn to two things, which this treaty directly would contravene, and render impossible.

1. That Scotland had sworn in the national covenant, to support the sovereignty of the kingdom, which they said was now to be given up.

2. That Scotland had engaged to pull down Episcopacy in England to the utmost of their power.

The starting these two things had two fatal prospects, which indeed, had they not been both over-ruled by that secret hand which had singularly appeared in the carrying this treaty on, through so many seemingly insuperable difficulties, might have involved both nations in confusion.

From the first of these, they pretended to be bound to preserve the state in its immediate separate condition; as if confederating with, and joining to a more powerful nation, on terms honourable, and tending to support the sovereignty and power of the whole, was not consisting with that part of the covenant, which could no otherwise be understood there than to signify the supporting and defending the constitution of Scotland, as it was or should be legally established.

As to the other suggestion, it was effectually answered by one of the most learned divines of the Church of Scotland, Dr. Rule; where he explains the meaning of the covenant to be in that case, no attempt by force to reduce the Church of England, &c. but what we are bound to by the covenant, is not to reform them, but to concur with them, when lawfully called, to advance reformation, either there or any where else: and it is far from our thoughts to go beyond that boundary.—*Vindication of the Church of Scotland*, p. 16.

But this clamour had another effect, which might have been as fatal in its consequence, had not the scene of affairs been very much changed in England; for this very pretence, which the Episcopal party prompted, as much as in them lay here, and drew abundance of good and well-meaning people into, in Scotland, as an objection against the Union, they immediately turned upon them in England, and set some of the Church of England Clergy, especially those warm gentlemen who were against the Union; they set them, I say, upon raising of the old alarm again, of the danger of the Church, arising from the Union; even from this very argument, that the Presbyterians in Scotland were sworn by the covenant, to do their utmost to pull down Episcopacy in England.

I shall, as little as possible, concern this history with debates of any of our party quarrels; but the contradiction which these people fell into, was remarkable; and could it have been considered, might have very much exposed them.

For if it was true, that the Church of Scotland had sworn to dethrone Episcopacy; and that the Presbyterians were against the Union, because it would deprive them of that power, and for ever tie their hands from that work;—then they were but ill friends to the Church of England among her own Clergy, who were for that reason against the Union.—And it was an argument of the strongest nature to prove, that the Church of England should have been with all her heart for the Union, if she had the least knowledge of her own interest.

It is plain from Dr. Rule, that the obligation of the covenant extended no further, than to oblige them to concur with England, when lawfully called to a general reformation.

But the party in England run these things a great deal higher, and plied the warm addresses of the people; and especially one of the Cameronians, and of their

their leader Mr. John Hepburn, against the Union; calling what those weak people put into their addreses, the act and deed of the whole Presbyterian Church of Scotland; when 'tis known, first, that Mr. Hepburn's addres had but seven hands to it. Secondly, those people, though in other things many of them are good people, yet do neither own the Church nor the State; neither the Civil Government nor the Ecclesiastic. Of which I shall be larger hereafter.

By these artifices it is hardly credible, what aversions they raised in the people against the Union in general, even before the articles were made public, or at all debated in the House.

But when the articles were printed, and every one began to read lectures upon them, according as their several fancies guided them, or their interest seemed to clash with them, I want words to express what a clamour was raised on all hands, and what feuds began to appear in every corner of the nation.

Parties and people, whose interests and principles differed as much as light and darkness; who were as contrary in opinion, and as far asunder in every thing, as the poles, seemed to draw together here.—It was the most monstrous sight in the world, to see the Jacobite and the Presbyterian, the persecuting prelatie Non-juror and the Cameronian; the Papist and the reformed Protestant, parle together, join interest, and concert measures together.—To see the Jacobites at Glasgow huzzaing the mob, and encouraging them to have a care of the Church! the high-flying Episcopal dissenter crying out, the overture was not a sufficient security for the Church!

Such convulsions as these agitated the whole kingdom; and it was the most unaccountable thing that ever was known, to find a nation, that but a few months before were earnestly crying out for an Union, and the nearer the better; and that were fully convinced of the necessity they had of this Union, now fly in the face of their masters, and upbraid the gentlemen who managed it, with selling and betraying their country, and surrendering their constitution, sovereignty and independence to the English.

And such was the clamour against the treaters, that I verily believe, and I assure you I do not give my private opinion in it, had the articles of the treaty been published before the treaters came home; and the feuds been the same against them as they were afterwards, there was not many of them would have dared to have gone home, without a guard to protect them.

The merchants, the burghs, the country people, all cried out of oppression, and of ruin and destruction in trade.—And yet the amendments that were offered by that party to the articles, in the time of their debate, were so small, and so trifling, though they had a free debate on every head, that their own friends cried

out

out upon them, for demanding so little; and used this as an argument against them afterwards, that they might have had more, if they had asked it.

Nor is it to be forgotten, that those very gentlemen, who raised most noise at the general of the treaty, had least to say to the particulars; had fewest objections to make, and least of all concerned themselves in the amendments.—The reason was plain, the design was not to amend the treaty, but to destroy it; they were not solicitous to have a good treaty, but to have no treaty; the drift was to confound it with infinite objections, and to clamour the people out of their wits, that they might, if possible, clamour the Parliament out of the House: and of this such evident proofs will appear in the process of this story, as no body, I believe, will make any doubt but that there is reason for such an objection.

The Parliament was now met, and the party who opposed the treaty diligently made up their greatest strength within doors in order to it.—I will not say that several took the oath of Parliament, on purpose to be able to do service against it, who never took the said oath before; but I know it was so understood of several gentlemen, and they were reported to be advised by their friends to do so.

The first step they took without doors, for the matters within doors I refer to the abstract I shall make of the minutes in the end of this work; but the first step they took without doors, as to particulars, was to set on foot a notion, that the Members of Parliament had no right to alter the constitution, without the particular consent of their constituents; and that therefore the Parliament ought to have an adjournment for some time, that the Members might go down into the several respective countries, which they represented, and know the mind of their constituents.

And though this seemed to be many ways confuted by strength of argument; wherein it was alledged, that this was not an altering or giving up the constitution; and therefore, suppose it were true, that the Members were not impowered to act without the consent of their constituents, in giving up the constitution, yet this did not reach here.

2. It was alledged, that this Parliament was summoned by her Majesty, with an express signification in the proclamation, that it was to treat of, consult about, and conclude an Union with England; and being sent up for that declared purpose by their constituents, there remained no occasion to demand any further, or other instructions from them; but they became plenipotentiaries from that particular circumstance.

3. That, by the constitution, it was not required, that the constituents should be consulted on any such occasion; that the Convention of Estates transposed the crown, altered the succession, and settled the Revolution; which, in all circumstances, was as essential to the constitution as this; and that they never consulted

consulted their constituents in that case at all ; nor did the opposers of the Revolution demand it ; but protested, and went out of the House.

And, in this case, their champion, Mr. Hodges, also was against them, who owned, that their Commissioners to the Parliament had full power to act for them in this case.

However, as things began to run very high, and the people, prompted by these popular arguments, assumed every thing they thought fit to call their right ; several boroughs wrote letters to their representatives, in their own names, and by their own authorities, requiring them not to give their votes or assents to an incorporating Union ; or, in short, not to the Union as now coming on, in the terms of the treaty.

But this was not all ; for finding that this was not much regarded by the Members, and that precedents in like cases would not support the practice, they turned their private letters into public addresses, and those introduced mobs, tumults, insultings of magistrates, flight of gentlemen from their houses, and all manner of popular disorders ; till at last it came to downright insurrection and rebellion ; which, had not circumstances and the season particularly prevented, had risen up to blood, civil war, and all the terrible consequences of an enraged and divided nation, as shall more at large be related in its course.

But to return to the party that opposed the treaty ; at first they strove to carry on their opposition by wiser methods ; and by their force of arguments to possess the peoples minds with such averfions, as might convince the Parliament they were acting against the general current of the nation.

And having not at first appeared against the thing in general, it behoved them to descend to particular objections ; for, to say they would have no Union at all, would have been impolitic, and have formed too great a party against them : it was necessary therefore to form themselves into a body of objectors, that had some reason on their side, and could descend to particulars to enforce their opinion.

Nor could they, in good manners to the Queen, object against an Union in general, who, in her letters to the Parliament, had so earnestly recommended, upon all occasions, the union of her people, as what her Majesty esteemed so much for their mutual good, that she would count it her singular happiness, to have it compleated in her reign : on this score, I say, should they have rejected all manner of Union, or treaty of Union, it would have been so directly flying in the face of the Queen's recommendation, that it would have not only appeared rude, but have lost them a considerable party, whose assistance they found very great occasion for.

This brought all the several parties, who were against the treaty, as well those

that were against it on the account of the succession, as those that were against it in general, to fall in with those, who only objected against the circumstances of it; I mean, the conditions, and stipulations published in the articles.

Thus the great variety of objectors, to make themselves perfectly formidable, however different in notion or design, made up one body; and turned their arguments from being pointed against the union in general, to be pointed against the terms of it, an incorporating union.

This brought them back to the several schemes of foreign unions of nations, such as Switzerland, the United Provinces, and the like: and some proposed one thing, some another, not foreseeing, that, had even any of their proposals come to have been the real treaty, yet this party, who were against the Union as such, would have been as much against that, as they were against this; and so at last they must have divided, broke their interest, and lost the whole, which was the main thing aimed at.

And thus now stood the debate.—“No incorporating union,” was the word:—“Let us have an Union with England with all our hearts; but no incorporation;—let us keep our Parliament,—keep our sovereignty,—keep our independence,—keep our constitution; and for all the rest, we are ready to unite with you, as firmly as you can devise.”

This was thought, by most, to be just reviving the former notions of a federal union, with so many inconsistent noun-substantives in their government, that had upon all occasions been found impracticable; and which would so entirely have left both nations exposed to the possibility of relapsing into a divided condition, that it could not be expected, England, whose considerations for uniting were peace, strength, and shutting a back door of continual war and confusion from the north, should communicate trade, freedom of customs in all her ports and plantations, with egress and regress of manufactures, &c. and leave the main things yet precarious and uncertain.

It would be endless to trouble the reader here with the arguments on both sides, which came resolved at last to this short head.

In the beginning of the treaty at London, the English Commissioners had refused to treat, but upon an entire and incorporating Union; and had given such reasons, why all other proposals would not only be insufficient, but impracticable; that the Scots Commissioners were convinced of it, and satisfied to enter upon a treaty of an entire Union, as the only way to establish the lasting peace and prosperity of both nations.

To talk then of a federal Union at this time seemed only to put the question, Whether the Parliament should take the articles into consideration or no? and this run all the opposers back to the schemes of those that were against the Union

Union in general, and by this they lost ground; for though they made a strong opposition against the very reading the articles at all, and would gladly have rejected them in the gross; yet there were several of their friends left them, and so they lost the first question, Whether the articles should be read, which was carried in the affirmative, October 3, the first day of the meeting of Parliament, as will appear by the minutes.

This was the first straight they were brought to; and therefore, to back these two principles, they set to work to procure a throng of addressees from the several towns; and which, it is visible, they attempted to back with force, to awe the Parliament into a compliance, as will hereafter appear.

Most of these addressees were worded to the same purpose, and in substance contained a claim of the constituents right, to limit and instruct their commissioners,—and a direction to avoid an incorporating Union; some of them were decently prefaced with expressions of courtesy to England, and willingness to confederate or unite with them on other terms; but protested against an incorporation of government, as contrary to their liberties, and destructive to their sovereignty and independence, the glory of their ancestors, the honour of the ancient kingdom, and a great many such plausible allegations, in order to make the ground of their addressing seem the more specious, and to please the people: Others, less courteous, spoke higher words and rougher language, talked of their defending their Constitution against the invasion of strangers, reflected on their treaters, and their being wheedled and drawn in to give up their country, their liberties, &c. We shall come to them presently.

As the Parliament was now sitting, so was the Commission.—This is a deputation from the General Assembly, being a certain number of Ministers, impowered by an act of the Assembly, to meet in the intervals of their session, to take care of the affairs of the Church.

The transactions within the Parliament, I refer to the Abstract of the Minutes, with Observations, immediately following this account, folio 285. But that this account, which contains things done without doors, may run hand in hand with the said abstract, it is necessary to give an account what was transacting in the Commission at the same time, at least so far as it relates to the present affair.

It is observed in the minutes of the 12th of October, that a motion was made in Parliament for a public fast; which, however, was opposed by those, that some thought had more inclination to the work of a public fast, than those that proposed it; however, as the Commission had been several days met, the gentlemen in Parliament, who were against the having a public fast appointed by Parliament, seemed to refer it to the Commission.

It was indeed opposed in the Commission of the Assembly, for the same reasons that it was in Parliament, viz. not for any dislike of fasting and praying, but to prevent the alarming and amusing the people, which was the principal work on foot at that time. However, not to neglect the work, or to be found opposing such a thing as praying to God, on whatsoever account, it was moved in the Commission, that they should set apart a time for themselves to fast and pray, as Ministers assembled on so great an occasion; and that a circular letter should be sent to the several Presbyteries to do the same in their several districts.

The act of the Commission, for this day of prayer, neither confined them to a day, or prescribed the manner; the act itself is to be found in the Appendix, N A x, as copied from the original in the register.

There had been strong rumours spread abroad, that the Commission would not act, in this case, without the General Assembly; but that they should protest against the Union being concluded, till a General Assembly was called; and address the Parliament to adjourn the debate of it, till the Assembly should meet, which was not to meet till April: Or, that the Lords of her Majesty's Council should procure from her Majesty, that the Assembly might be called sooner.

But as this was the contrivance of a party, only to gain time, and of a piece with the delays offered at in the House at the same time, so it met with no encouragement in the Commission: Not but that there was too strong a party willing to have befriended it, at that time, even in the Commission itself.

However, a very moderate and well-tempered address was drawn up in the Commission; it was agreed to in the Commission the 11th, but not presented till the 17th; in which they recommend to the Parliament the security of the Presbyterian Church of Scotland, and its doctrine, discipline, worship and government, to be secured by the treaty, as you may see by the address itself, which is printed in the Appendix. N B x.

After this, the Commission was again pressed about the fast; and more Ministers being come to town, than were at first; and coming with the sense of the country people fresh in their minds, who were, by this time, every where rendered very uneasy, the motion of a fast was renewed; and though some were against a fast as national, yet, as no body was against praying to God on so solemn an occasion, so the Commission began with themselves as follows:

“ October 17th, It was agreed, that the Members of the Commission, with
 “ such as pleased to join with them, shall convene in the High Church of Edin-
 “ burgh

“burgh for prayer the day following; that the Moderator should begin with a
 “short discourse from the pulpit, concerning the occasion and reason of that meet-
 “ing, and the Ministers to pray, and the orders of the exercise were settled by
 “the Commission.”

Accordingly, on the 18th, there was a very great congregation, where was present many Members of Parliament, and the work continued till two of the clock, very public and solemn; but without any of the excesses which some people flattered themselves to find there.

However, after this, the motion for a fast was brought on again, and carried in the Commission on the 21st of October, as from the register follows.

“There having formerly been a motion made, for application to the Parlia-
 “ment for a public national fast, the matter was this day resumed, and much
 “debate about it;—the Commission being pretty full, it took longer time.—
 “Some were for applying to Parliament for their civil sanction to it; others that
 “Presbyteries should be wrote to, to appoint a fast, without applying to the
 “Parliament; because it was feared the Parliament might not be unanimous in
 “that matter; and the mentioning of a fast there might perhaps, in the present
 “circumstances, be occasion of strife: and after long deliberation, it was un-
 “animously agreed to, that application should not be made to the Parliament;
 “and a Committee was named to bring in a draught of the paper about that
 “fast; which Committee brought in the same, in form of an act, upon the 22d
 “of October; and, after some few amendments, the same was unanimously
 “approved.”

This fast was observed in Edinburgh very solemnly.—His Grace, her Majesty’s Commissioner, the Lord Chancellor, the great Officers of State, and many Members of Parliament appeared at church, and joined in it, though the appointment had not the sanction of the civil authority to support it.—A clear proof, by the way, of the Parliament’s owning the power of appointing fasts to be in the Church.

Yet was not this such a general national fast, as some people desired; hoping to obtain upon the people, by the solemnity of the thing, and by the warmth of the Ministers, who, they vainly expected, would, in the pulpit, run out against the treaty, bring the people to a general aversion against it; and, by consequence, to some violent measures for preventing it.

But the prudence of the Ministers prevented all this designed mischief; and though the day was, as I have said, observed with great solemnity and affection, yet it was to their great disappointment, that the Ministers generally, as well those who were against the Union, as those who were for it, in their respective parishes, applied themselves only summarily to the substance, nay, to the very words of the Assembly’s act, viz. “That all the determinations of the Estates

“ of Parliament, with respect to an Union with England, might be influenced
 “ and directed by Divine Wisdom, to the glory of God, the good of religion,
 “ and particularly of the Church of Scotland.”

Thus the thing was carried through, except as hereafter, without the mischievous effect which some expected from it, who now began to turn their expectations another way, viz. to the people, whom they had by various arts screwed up to an unexpected fermentation, as in the ensuing tumults appeared.

I am sorry that in the process of this story, especially in this, which I count the foulest and blackest part of it that could have been acted, I shall be obliged to mention some persons of great honour and ancient families, who were pleased, for reasons of their own, to act against the Union, and to appear so publicly in the opposition of it, that the people, I do not say by their own approbation, I hope not, singled them out as the patriots of their country against this transaction; and, by their shouts and huzzas after them, as they went and came to and from the Parliament, made them, as it were, the heads of the party who opposed the Union.

The Dukes of Hamilton and Athol were the chief of these, and were almost every day in Parliament, strenuously arguing against the articles, and pressing for other measures, as by the observations on the minutes will appear.

The Duke of Hamilton being indisposed by some lameness, I cannot describe the occasion, was generally carried to and from the House in his chair.

The common people now screwed up to a pitch, and ripe for the mischief designed, and prompted by the particular agents of a wicked party, began to be very insolent. It had been whispered about several days, that the rabble would rise, and come up to the Parliament House, and cry out, No Union; that they would take away the honours, as they call them, viz. the Crown, &c. and carry them to the castle, and a long variety of foolish reports of this kind.

But the first appearance of any thing mobbish was, that every day, when the Duke went up, but principally as he came down in his chair from the House, the mob followed him, shouting and crying out, God bless his Grace for standing up against the Union, and appearing for his country, and the like.

And as extremes are generally accompanied with their contraries; so, while his Grace the Duke of Hamilton had these fancied honours paid him; the Queen's representative, the High Commissioner, had all the insults, reproaches and indignities offered him that they durst, for fear of public justice, shew him, as will by and by appear.

Far be it from me to say, the Duke of Hamilton desired or encouraged this tumultuary kind of congratulation; that sort of popularity must be too much below a person of his character; and his Grace knows the world too well, and

is too wise a man not to know that such things always tend to confusion, and to the destruction of civil peace in the world.

Nor do I doubt but his Grace did what he could to prevent their singling him out, to shew their mob-courtesy to ; but there was no crushing a rabble that had so many wheels to set it in motion ; and the seeming causes of which increased every day, as the Union began to draw forward, and as the Members appeared resolved to go forward with it seriously, in order to a conclusion.

On the 22d of October, they followed the Duke's chair quite through the city, down to the Abbey gate ; the guards prevented their going further ; but all the way as they came back, they were heard to threaten what they would do the next day ; that then they would be a thousand times as many ; that they would pull the traitors, so they called the treaters of the Union at London, out of their houses, and they would soon put an end to the Union.

On the 23d they made part of their words good indeed ; for, as the Parliament sat something late, the people gathered in the streets, and about the doors of the Parliament House, and particularly the Parliament Close was almost full, that the Members could not go in or out without difficulty ; when Duke Hamilton coming out of the House, the mob huzzad as formerly, and followed his chair in a very great number. The Duke, instead of going down to the Abbey, as usual, went up the High-street, to the Land-market, as they call it, and so to the lodgings of the Duke of Athol. Some said he went to avoid the mob ; others maliciously said, he went to point them to their work.

While he went into the Duke of Athol's lodgings, the rabble attended at the door ; and, by shouting and noise, having increased their numbers to several thousands, they began with Sir Patrick Johnston, who was one of the treaters, and the year before had been Lord Provost ; first they assaulted his lodgings with stones and sticks, and curses not a few ; but his windows being too high, they came up the stairs to his door, and fell to work at it with sledges, or great hammers ; and had they broke it open in their first fury, he had, without doubt, been torn in pieces without mercy ; and this only because he was a treater in the Commission to England ; for, before that, no man was so well beloved as he, over the whole city.

His lady, in the utmost despair with this fright, came to the window, with two candles in her hand, that she might be known ; and cried out, for God's sake to call the guards : an honest Apothecary in the town, who knew her voice, and saw the distress she was in, and to whom the family, under God, is obliged for their deliverance, ran immediately down to the town guard ; but they would not stir, without the Lord Provost's order ; but that being soon obtained, one Captain Richardson, who commanded, taking about thirty men with him, marched bravely up to them ; and making his way with great resolution

lution through the crowd, they flying, but throwing stones, and hallooing at him, and his men, he seized the foot of the stair-case; and then boldly went up, cleared the stair, and took six of the rabble in the very act; and so delivered the gentleman and his family.

But this did not put a stop to the general tumult, though it delivered this particular family; for the rabble, by this time, were prodigiously increased, and went roving up and down the town, breaking the windows of the Members of Parliament, and insulting them in their coaches, in the streets; they put out all the lights, that they might not be discovered; and the author of this had one great stone thrown at him, for but looking out of a window; for they suffered nobody to look out, especially with any lights, lest they should know faces, and inform against them afterwards.

By this time, it was about eight or nine o'clock at night, and now they were absolute masters of the city; and it was reported, they were going to shut up all the ports; the Lord Commissioner being informed of that, sent a party of the foot-guards, and took possession of the Netherbow, which is a gate in the middle of the High-Street, as Temple-Bar between the city of London and the court.

The city was now in a terrible fright, and every body was under concern for their friends; the rabble went raving about the streets till midnight, frequently beating drums, and raising more people; when my Lord Commissioner being informed, there were a thousand of the seamen and rabble come up from Leith; and apprehending, if it were suffered to go on, it might come to a dangerous head, and be out of his power to suppress, he sent for the Lord Provost, and demanded that the guards should march into the city.

The Lord Provost, after some difficulty, yielded; though it was alledged, that it was what never was known in Edinburgh before. About one o'clock in the morning, a battalion of the guards entered the town, marched up to the Parliament Close, and took post in all the avenues of the city, which prevented the resolutions taken to insult the houses of the rest of the treaters.

The rabble were entirely reduced by this, and gradually dispersed, and so the tumult ended.

It is not easy to describe here, the consternation all good people were in, at the rising of this tumult; and had not such resolutions been at last taken, as is above-mentioned, which the other party did not expect, it had been the fatallest rabble the nation had ever seen.

In this case my Lord Commissioner greatly disappointed the party, who, having insulted his Grace's lenity before, as a faintness of resolution, had spread about scandalous reports, that the Government durst not look the rabble in the face; that the High Commissioner was afraid of being rabbled in his palace;
and

and that, if they once rose in a mob, all would fly before them; that the Parliament would run away, and dissolve themselves, or fly to the castle; and another worse thing than all, viz. that the soldiers were on their side, and would not fight against their country, as they called it.

But the resolution of the Lord Commissioner disappointed them all, who now shewed them, he had as much cheerful bravery in the action, as he had calmness and temper in the Parliament; this broke all their measures; and when they saw the guards, led by brave and faithful officers, stand firm to their duty, and shew themselves resolutely forward to defend the Government, they lost all their courage; it defeated all their expectations, and they began to lay aside that sort of violent proceedings, and apply themselves to the artifice of words, and the managery of parties in the house.

It is to be observed also, that this rabble was a mine sprung before its time, which blew backwards, and destroyed the engineers, rather than the enemies; the plot being otherwise laid, viz. that it should not have broken out, till some days following; when, as was said, all would have been in readiness, to have finished the work at one blow, viz. to have blown up the Government at once.

They had been tampering with the soldiery, in order to debauch them from their duty; and some people talked of retiring from the Parliament, and of some great men heading the people; which, had their patience been more, and their conduct a little more secret, they had, without doubt, effectually brought it to pass; but they blew their own project up by their precipitation, and so saved their country by their very attempt to destroy it.

The author of this had his share of the danger in this tumult, and though unknown to him, was watched and set by the mob, in order to know where to find him, had his chamber windows insulted, and the windows below him broken by mistake. But by the prudence of his friends, the shortness of its continuance, and God's providence, he escaped.

Several of the rabble were seized upon and apprehended; and there was a discourse of making examples of some of them; but the mercy of the High Commissioner, however provoked and abused, prevailed to compassionate, rather than punish their follies. They were only kept some time in prison, and afterwards let go, without any other punishment.

And thus ended the most dangerous juncture of the whole treaty, and a tumult, which ended to the advantage of the Government, and the disheartening the party, who, before that, carried it with such an unheard-of insolence, that had they not been as they thought, sure of their cause, they would never have answered it to their own discretion, to have acted in so open and insulting a manner.

The foot guards, and two other regiments of foot, did now constant duty in
the

the city, viz. the regiments of Strathnaver and Grant; the horse-guards attended the Commissioner, the other battalion of guards at the palace, and the garrison at the castle.

And all was little enough; for the regiments were thin and few; and all the forces then in the kingdom, some independent companies in the Highlands excepted, did not exceed three thousand men; and great endeavours were used, as I have said, to debauch the soldiers, though in vain; they appearing faithful and forward to do their duty on all occasions.

The next day the Parliament did not sit; but a great Council was assembled, where the measures the Lord Commissioner had taken, as to bringing the guards into the city, was ratified and approved, and a Proclamation published for suppressing the rabble, which being something particular, is inserted in the Appendix, No. CX.

I have printed this Proclamation, though this work could very ill spare room for it; both because it recites the acts of Parliament in Scotland in force against rabbles; as also, for that the method is particular to that place, and very good to prevent tumults, viz. 1. Of obliging the Deacons of Crafts, that is, as in London, the Masters of Companies, to summon the inhabitants, and make them give security for the behaviour of their servants, apprentices, &c. 2. Giving an indemnity to the soldiers, either of the regiments, or town-guards, in case they should wound or kill any person, after a command given for all to retire from the streets.

Indeed there was occasion enough for such a Proclamation; and had not the party been broken, as before, all would have been little enough to have suppressed the fury of this enraged multitude.

No body would undertake to justify the rabble, especially after they had been defeated in their design. Every body cried out it was a dangerous thing; and the whole city might have been exposed to plunder, riot, and all manner of disorder.

But as the party could not justify the rabble, so they began a new clamour; and now they exclaimed, that the privileges of the city of Edinburgh were invaded, and soldiers brought in, to awe and oppress the inhabitants.

That this had not been done in sixty years before, nor ever but in the time of war and tyrannic government; and that it was a forerunner of the slavery of the nation.

Then they cried out, this was an invasion of the freedom of Parliament, and an awe upon the Members, &c. See the minutes of the 25th of October, where that matter was urged very warmly.

It is true, it had been to be wished the affair could have been carried on without any jealousies and insults; but on the other side it was alledged, that the

force put on the Government by the rabble, was an invasion of the public peace; and that the mob were the aggressors, and the Parliament was much more likely to be awed by the ungoverned rabbles of the streets, if they had gotten a head, than by the forces brought in for their security, who being at their command, did nothing but secure them from the insults of the mob, and keep that peace which the civil authority had not power to preserve.

That the military power is always supposed to be assisting to the civil, when oppressed by rabbles and tumults, and while in subservience to the civil peace, and subordinate to the civil powers, the proper safeguard of a state; and as the force of these arguments carried all things before them in the House, all the legal pretences were overthrown by the reason and nature of the thing, and the Parliament approved of all that had been done.

Nor did they approve it only; but ordered the guards to be continued, or recommended it to the Lord High Commissioner, and the Privy Council, to continue their care for the safety and security of the Parliament. Vide the minutes of October 25.

However, by this method the appearance of the rabbles, and the fury of the streets, were in some measure abated, yet the people appeared exasperated to the last degree. The huzzaing and crowding about Duke Hamilton continued, notwithstanding all his endeavours to prevent it; and unusual threatenings and dark speeches were heard among the people.

The Lords and others, who opposed the placing guards in the streets, made protests against it, as infringing the liberties of the Parliament; though it was very plain, that there was nothing imposed in Parliament, nothing offered to be carried, but by reasoning and fair voting.

From this time they began to talk of country tumults; and that since the Commissioner had suppressed the mob in the town, the whole country should rise and come up to Edinburgh, and remove the guards by force from imprisoning the Parliament.

The pretence was specious; they pretended the guards were a force upon the Members of Parliament; that this was cramming the Union down their throats; that the country was unanimously against it, and would not bear, that a few people in the House, because they had the majority within doors, and a band of foldiers to back them, should impose a conjunction with England upon them, whether they would or no. Any body may judge what a time this was, when every day the town was alarmed; to-day the North was up in arms, to-morrow the West; to-day such a shire, to-morrow another, the next day a third; Glasgow, Dumfries, Hamilton, Perth, all the places which the imagination of the people dictated, and the fears of others apprehended.

It is impossible to express the consternation of the people. Those that wished

well to the public peace, and who saw, that a commotion at this time must immediately involve the nation in war and blood, not with England only, but with one another; these trembled for fear of the desolation of their country, the blood and ruin that always attend a civil war, and the danger of the lives of themselves and their relations.

Those who looked seriously into the drift of some of that party who most eagerly pushed on these divisions, who saw how the interest of a Popish, a Jacobite, and a persecuting bloody generation, lately extinguished, and now full of hopes, was twisted, and all joined in anti-union principles, could not but be heartily concerned for the established religion and Protestant Church, which they must have been wilfully blind, who could not see was plainly struck at, by the opposers of this treaty.

To see others, whose designs could not be suspected of any thing to the detriment of either religion or their native country, yet joining blindly with a wicked and degenerate race, and seeming to approve the steps which were taken to the ruin and destruction of both; to see these shut their eyes against the plain discoveries of a stated resolution against both liberty and religion, and encourage, nay in too much join with them who were known enemies both to the national Church and Protestant succession; these I say were very melancholy things, when the prospect of them was so near to those who were sincerely concerned for the peace of the country, and the safety of the reformed religion.—And people went up and down wandering and amazed, expecting every day strange events; afraid of peace, and afraid of war;—many knew not which way to fix their resolutions; they could not be clear for the Union; yet they saw death at the door in its breaking off—Death to their liberty, to their religion, and to their country.

Here were good people of all opinions, as well as others:—Some were against the Union, on a principle of justice and honesty, as earnestly as others were against it on a principle of treachery to their country; some were firmly possessed, that they were under national engagements, which, in the nature of them, clashed with the Union; and that therefore, however it might be necessary for the safety and peace of either Church or nation, they could not get over those obligations, or consent to this evil, that the other good might come; and however these might, in the consequence of the thing, countenance the wicked foundation, on which the other acted; yet I cannot but do them that justice, that I believe, they were far from the least intention to encourage the strengthening a party, whose principle was French government, and a Popish sovereign. I will not answer for indiscretion, or errors in temper in some; neither will I be so unjust as to call every wrong step an error of principle, and every mistaken man a plotter against his country.

This was the unhappy divided condition of this people, at the beginning of the treaty. The division was so general that it spread through every part; the gentry were divided; the common people divided; nay the very Ministers were divided; Parliament, Assembly, court, city, counties, towns, nay almost every family were divided; and, as the event began to be feared on every side, people stood strangely doubtful of one another.

The Commission of the Assembly hitherto carried, as before noted, with a great deal of prudence and moderation; and though there were some unhappy struggles there, which perhaps were pointed by the same party at making a breach; yet, as they came to no head, and were soon crushed by the wisdom and conduct of the rest, I shall not preserve the memory of them to posterity: the general proceedings of that reverend body being always tempered with modesty, calmness, and discretion, at the same time that they were anxiously concerned for the security of the foundation on which they stood, and had the whole weight of the Church of Scotland's safety upon their hands.

They had addressed the Parliament, that care might be taken of the Church in the treaty; and had been assured, they should have their expectation fully answered.

And I cannot but remark here, that the foundation of this treaty herein appeared to have been wisely laid;—the understandings and well-poised judgments of its first contrivers was very conspicuous, in leaving the respective Parliaments a full liberty, so to establish the several Churches, as that all the security they could demand, one against the other, should be granted them; that every root of jealousy might be pulled up, and there might be no room for the sowers of discord to begin here, where they always used to begin, and from whence all the mischiefs of former dissension used to flow.

The Parliament had also been encouraged by the Queen, in her Majesty's letter, (*Vide* fol. 214) at the opening this session, to form such security for the Church-government, as might fully establish the national Church of Scotland; for the Queen having, by long experience, and the former contention on both sides, seen that an Union of principles was no more to be expected:—but plainly seeing also, that, with the assistance of mutual charity, that difference in principle might be consisting with an Union of interests and affection among her people, saw, at the same time, that the only way to establish this peace was, to form such securities to both Churches, as might for ever remove all just ground of jealousies from among them, take away the suspicions, and shut all the doors against the fears, which either had entertained of each other; and which wicked men daily took hold of, as handles of contention, to keep open an eternal breach, and keep us always divided, Ephraim against Judah, and Judah against Ephraim, ever vexing and envying one another.

In this posture, I say, stood the affairs of the Church ; when, in the interval of time between the first address to the Parliament and the second reading of the articles, vide minutes, folio 288, an overture, or draught of an act for the Church, was conceived, and on the of was presented to the House.

I shall not enter into a long debate which arose here, both without doors and within, 1. As to the sufficiency and insufficiency of the overture, which, in some part, may be answered, by saying, it received some amendments or additions afterwards, at the passing into an act. Or, 2. As to any act of Parliament being a sufficient security for the Church ; that objection being raised at first, not by such as designed a better security, but by such as really designed no security at all, for the ecclesiastical establishment in this nation : it is hard, that we must be forced to distinguish the disputes in this case, by distinguishing the persons ; for there being several parties here, and of several principles, who all seemed to make but one party against the Union, it was absolutely necessary to examine who was for this, or that argument ; and, by the man, the reason of his argument, was to be distinguished.

This unriddled the mystery, which appeared in the debates of this time, when those that had really least kindness for the Church, were the loudest, and appeared the most zealous for her security : nay, those that never owned or acknowledged either her discipline, or government, never submitted to her judicatories, or joined with her worship, were now every day crying out of want of security, exposing the Church to the votes of the Bishops in the British Parliament, and giving the Episcopal Church of England the ascendant over the Presbyterian Church of Scotland.

This language could be no otherwise understood, but by distinguishing the people that spoke it ; the very party were hieroglyphics to the dialect ; and he must be blinder than most people are, in this intelligent age, that could imagine these people spoke this from a true design to obtain for the Church a further or better security, so much as to embarrass the Church and the State, embroil the Parliament with the Commission ; and either prevent its being finished at all, or obtain what they generally drove at in all their managements now in the affair, and which was the only thing they could hope in, I mean, a delay.

But to leave this matter a while, the Parliament was all this time reading over the articles, and discoursing or reasoning upon them, but had not yet come to any vote ; the tumult at Edinburgh was blown over, without the expected event ; we shall now see, that it was not in Edinburgh alone, that a tumult was designed, but steps were taken, and indeed politicly enough, to have the general sense of the kingdom to run in the same channel.

To this end, addresses were set on foot, in several parts of the kingdom, against the Union : I shall not pretend to crowd this book with the particular addresses

addresses, though some of them are remarkable enough; however, I shall give specimens of some of them to judge from, and to make the matter, as I go along, the plainer.

And, among them, I cannot omit one from the convention of the Royal Boroughs; because some gentlemen, especially in England, having valued their opinion from thence, as if it were the sense of the whole nation, it is a little necessary, towards clearing up this point, that though the people were screwed up to a most unexpected, and indeed unaccountable aversion; yet that, in the whole, the main body of the nation did not run the length which some of their leaders desired of them, and which they would have had passed as their act and deed.

The Royal Boroughs have a custom in Scotland, that they act in a body, and have a convention, or representative of their own, which meets upon occasion at Edinburgh, and are convened by the Lord Provost of Edinburgh: to this convention every Borough sends one Member, and the Borough of Edinburgh two; their whole representative is sixty-six in number. Now the calculation which was observable here, was in the number and quality of the Boroughs, which voted in the convention; the address was carried by four voices indeed, but the state of the case is thus: Of sixty-six Boroughs, twenty voted against addressing, and twenty-four for it; the rest were absent. But take the quality of the Boroughs, to make the calculation by, and there the thing will discover itself as follows:

Take the Boroughs that refused to address, and these that did not think it worth while to appear; and the majority against the addressers, is, by the proportion of their cefs, as eighty-six to fourteen. Nay, suppose all those that did not appear to be affirmatives, though that be altogether improbable, and that they would have been for the address, yet the proportion had been, as thirty-one to sixty-nine.

But if the rate of the cefs be not a just estimate of the value of the Boroughs, though I can prove it was the original of their right of being Boroughs; then I refer to any man to calculate the inhabitants and number of free-men in each Borough, and he will find the twenty Boroughs that refused to address, have more inhabitants in them, than both the twenty-four that addressed, and the twenty-two that were absent, the city of Edinburgh excepted.

So that, upon the foot of this calculation, though the address may legally be called the address of the Boroughs; yet it did not follow, that the trading part of the nation had addressed, or were against the Union; for that, in an arithmetical calculation, or a calculation upon value and payment of taxes, the far greater number opposed the very addressing at all.

This is observed here, in order to clear up a point hereafter, which will require a like kind of calculating on the foot of the whole nation.

The Boroughs however, by this seeming majority, did address; and because the said address is very particular, and contains in it all the popular arguments, which the enemies of the treaty had blinded the people with, as before; particularly of the surrendering the sovereignty and independency of the nation, and subjecting their religion, church-government, claim of right, laws, liberties, and trade, to be altered or subverted by the English in a British Parliament; for this reason I have given you the address itself at large in the Appendix, No. DX.

I cannot, I confess, but wonder how it was possible to impose things so absurd upon a whole nation! And how so great a people, so clear-sighted, and wary in all other cases, came at this time to run so apparently upon a plain mistake! Since, as nothing is more plain than that the articles of the treaty, and consequently the great heads mentioned in the above address, cannot be touched by the Parliament of Britain; and that the moment they attempt it, they dissolve their own Constitution; so it is an Union upon no other terms, and is expressly stipulated what shall, and what shall not be alterable by the subsequent Parliaments. And as the Parliaments of Britain are founded, not upon the original right of the people, as the separate Parliaments of England and Scotland were before, but upon the treaty which is prior to the said Parliament, and consequently superior; so, for that reason it cannot have power to alter its own foundation, or act against the power which formed it, since all constituted power is subordinate, and inferior to the power constituting.

This is so clear, and has been so often inculcated in this very case, and is so unanswerably stated in the very acts of Parliament themselves, ratifying the treaty, that I need say no more to it here.

But it was a strange time now, and there was no making the least impression upon the minds of the people, already prepossessed. Nothing was to be heard now, but of slavery to the English—running away with the crown—taking away their nation, and the like: and it was impossible to stem this tide of distraction for a time. It is true that the generality of the people came off from this delusion at last; and the unalterableness of the Union, if finished, began to obtain a little upon the senses of the people. The truth is, the demonstration of the thing was so visible, that it could not but prevail; and the best and most judicious beginning to see into it, the rest of the people began to sink under the power of the conviction, and so by degrees the scruple began to wear off.

Nay, the same people who first argued against this truth, viz. Of the Parliament of Britain's not being able to invade the treaty, took it up themselves afterwards, when it served their turn, and strongly urged it against consenting to the church-establishment on the English side, since it was a confirming the Episcopal power, and setting it up above the power of a Parliament to pull down.

down. So freely will men accept of an argument when it serves their occasion, which they will reject while it seems to oppose their interest.

In the ruins of this suggestion, another started up; which, as it was capable of being embarrassed with greater doubts, and with some had insuperable difficulties; so, had not the moderation of the ministers interposed, it might have been of far worse consequence in this case; and this was a scruple against the Union in gross, as being directly against, and inconsistent with the Covenant; and that therefore it could not be entered into, without incurring the guilt of national perjury.

This brought the Church into the general appearance against the treaty; nor will I say but that great means were used, if possible, to bring the Commission then sitting, to declare against the Union upon this account.

This was a great trial of skill; and I say this rose out of the ruins of the other scruple, because it was forcibly enough alledged, that if the constitution of this treaty was such, that no alteration could be suffered, and that not the Parliament of Britain could infringe one article of it, then this for ever shut the door against the possibility of their assisting to reform the Church of England, which they alledged, by their Covenant, they were bound to use all lawful endeavours to perform.

This, and submitting to the jurisdiction of the Bishops in England, and who were to sit still in the British Parliament, and thereby owning the agency of spiritual men in civil employments, they also alledged was against the Covenant; and consequently, if the nation went into this Union, they incurred directly the guilt of national perjury; and I allow, that a great many good and valuable people were very melancholy upon this head, and some are not easy in it to this hour.

I cannot pass this thing here, without speaking to it; because I foresee daily disputes do still arise upon this head, and are like to do so every day, and I shall not interrupt the thread of the story by it at all; rather it will seem necessary to be considered, in order to carry on the course of the story, some of which, particularly at this very juncture, very much depends upon it.

I am not at all entering here upon the obligation of the several Covenants engaged in by the people of Scotland; it is necessary here, for argument sake, to allow them to be obligatory in as large a sense as can be desired.

As to the being obliged to reform the Church of Christ, in the whole island, it is granted here by the most severe assertors of the Covenant's obligation.

1. That, as is expressed, they are to use all lawful means only; and that they are not to use any such thing as force.

And the Reverend Doctor Rule, a divine of great candour and learning, and Principal of the college of Edinburgh, has stated this obligation very distinctly, as follows:

“ What

“ What we are bound to by the Covenant, is not to reform them, but to con-
 “ cur with them, when lawfully called, to advance reformation; and it is far
 “ from our thought to go beyond that boundary, in being concerned in their
 “ affairs; we wish their reformation, but leave the managing of it to them-
 “ selves.” Doctor Rule’s second Vindication of the Church of Scotland, p. 16.

Now I think nothing is more clear, than that there is all the room in the world for the Church of Scotland to concur in a national reformation, notwithstanding the Union; nay, they will be better qualified for it now than ever; in so far as they will, I hope, always have the assistance of all good men in the South, both dissenters and churchmen, to encourage them.

As to the civil power of churchmen, or in English, the Bishops voting in Parliament, and its being declared against in the Covenant; I will not dispute the suggestion, whether it be against the Covenant or no; the discord lies here.

One party says, it is expressly against the Covenant; and that the yielding to it, and yielding to have the Church of England established by the treaty, is setting up that very power they were sworn to reform to the utmost of their power, in all lawful means; and these are the particulars in which, they say, the Union is a breach upon the Covenant, and has brought the nation into the dreadful sin of public perjury.

The other say,

1. They are not guilty of national perjury; for that they conceive, the Union does no way oblige them further, than as before, in the sense of Doctor Rule, to concur with all lawful methods for reformation, and to close with all opportunities, which shall be put into their hands for the purpose; and this they are yet as free to do as before.

2. As to their consenting to the Act for the Security, &c. of the Church of England, it is not against the Covenant, since it is not erecting a church; nay, it is not in the least a recognizing or acknowledging them that are erected; but it is a letting that be which was before, and which they had no lawful call (the thing expressly mentioned in the Covenant) to concern themselves in altering. They were not legally called to it, for they were legally, at this time, excluded on either side, from meddling in the respective settlements of the Church, by the Queen’s power.

And, at last, they alledge, that, in so far as the Covenant engages them against the civil power of churchmen, they did exonerate themselves fairly, in their public protest against the votes of the Bishops, viz. The Representation and Petition, rejecting as far as in them lies all submission to their said power; and that they conceive, being not called to any other opposition, they have fully discharged their duty as a nation, and have to the utmost of their power opposed it.

I think this a clear though a short state of the question; and some of the most conscientious

conscientious and pious of both Ministers and people, on one side, thought the case of the Covenant clear in this point.

I know there are others dissatisfied still, of whom I have only this to say: If they are certain it is a national crime, I wish they would apply themselves to national humiliation, and be found of them that stand in the gap, to prevent God's judgments, rather than forgetting that part, fill the days with their complaint of the sin, and only apply it to make the people uneasy at the occasion.

The Union is finished: even breaking it again, if that were in their power, would not undo the crime, if it be one; and would at the same time involve their country in a thousand calamities, blood and distresses.

I cannot be so uncharitable as to think, any man that raises the scruple we are now upon, would be willing to be thought to be moving the nation to break this new and most solemn conjunction, and fall all to pieces again: I would then ask, To what end are public exclamations and excursions of the tongue about it? They can tend to nothing but to keep the people in a continual alarm, keep their minds in a constant perturbation and uneasiness; and it is a sad work for any man to be employed in, merely to disturb and distract his country.

While these things were debating at Edinburgh, the affair grew still darker and darker all over the kingdom; and they were far from carrying it with equal temper and moderation in other places.

In the West, the people called Cameronians began to be apprehended as dangerous, and that cloud was diligently represented as very black; that, according to the rash wishes of some people, whose endeavours too had not been wanting, they would fall into some desperate action or other on this account;—the prejudices against the Union had reached them very early; nor was it to be supposed that those people who were so diligent to alarm the country every where against the Union, and possessed them with fears and jealousies of their liberties, trade, crown, and religion, would fail to fall to work in these parts, where they must needs know, the general character of the people was, to be tenacious of their opinions; and far from being always prescribed by the most prudent and moderate councils. As to other places, the arguments were suited to the people; as to some the loss of trade, to others taxes, to these the liberty, to those the sovereignty of the nation, so to these the great pretence used was religion, the danger of, not the Church, for that many of them did not submit to or acknowledge, but religion in general, and these two heads in particular—the return of prelacy, and the breach of the Covenant; however, they had all the very same things in their allegations.

In carrying on the design of enslaving these poor people, great artifice was used; and, as if they had been prepared for the design before-hand, they waited till the articles were printed, which were formed by the treaters in England, and the several minutes of the treaty.

When these were seen, a number of these people got together; and though they were not the number by far, as was diligently reported, in order to make them formidable; yet the beginning might have been dangerous enough if it had been pushed on further; what number they might really be in other places, I could never learn so particularly, as to venture asserting it: but about two hundred men, in a tumultuous manner came to the town of Dumfries, a seaport on the west side of Scotland, about twenty-eight miles from Carlisle; they came into the town in the middle of the day, on the twentieth of November, made a fire in the market-place, burnt the articles of the Union, and burnt a paper with the names of the Commissioners of the treaty, and fixed another paper of their own upon the cross; and having done thus, they marched off and dispersed themselves peaceably.

This paper indeed was no less seditious in its nature, than the attempt was insolent and daring.

When the report came to Edinburgh of this tumult, the concern of those who wished well to their country, was very great, and wise men began to give the design of the treaty for lost; they knew the unhappy temper of those honest people, for such, however, I must call them, because I believe their intention is religious and honest, though they may be mistaken, and, no doubt, are mistaken in their principles, about government and obedience; but, as they knew, I say, the temper of these people, how tenacious of their own sentiments, and how precipitant in their prosecution, it bred no small concern in the minds of all people, who were inclined to peace; concluding, that the party, who opposed the Union from worse principles, had gained their point, viz. to employ the hands of Protestants, one against another, in this dispute, and make the honest meaning, but warm people, the tools to ruin both themselves and their country.

There were not wanting, at the same time, people, who diligently spread extravagant rumours of the numbers of these people; some said, that there were six thousand men in arms at the place; others, that two thousand horse only came into the town; and that five thousand foot stood ready, in the hill country, to march with them, as occasion should require: others, that the whole body of them were up; and that the whole West was in arms, and at least twelve thousand of them were to march for Edinburgh, to raise the Parliament; and that they had publicly declared, they would sacrifice the treaters, as betrayers of their country, and sellers of her liberty and sovereignty.

To back these reports, the paper they fixed up at Dumfries was officially printed; and at the end of it, a postscript, signifying, that this paper was publicly read from the Market Cross at Dumfries, about one of the clock in the afternoon, on the twentieth of November, one thousand seven hundred and six, with great solemnity, in the audience of many thousands; the fire being surrounded with double squadrons of horse and foot in martial order.

The printing of this paper was refented by the Government, and the printer fled from their hands for the present; but this, as all other insults of this nature, were no farther prosecuted, the Government choosing rather to pity and overlook the follies of the people, on this occasion, as what they saw was politically enflamed by a party, who only sought to embroil the nation, and bring the best of the people to fall out with one another, that the game might be made up out of the destruction of both.

By this postscript above, may appear to any unbiassed person, the artifice made use of to magnify every story, to increase the terror of the people, and, if possible, to encourage the like confusions in other places; for, as to the fact, 'tis true, there were a rabble of country people, to the number as above, of about two hundred; I could never find that they deserved to be called more; that there was any such thing as squadrons or companies, either of horse or foot, or any martial order, such as officers or commanders, or any thing like troops, was a manifest forgery, on purpose to amuse the nation, and make the people believe what they really had some ground to fear.

I must also do those people in the West this justice, that, though great endeavours had been used to exasperate them, and they were heartily against the Union, as appeared, upon all occasions; but when they came to see a little into the hands that were at work against it, and with whom they were like to join, even the hottest among them came to themselves, and to give them their due, they behaved with great calmness and discretion; nor could they be brought into any precipitations or extravagancies, as was daily threatened; Mr. John Hepburn, their chief leader and Minister, had been reflected on as one that had enflamed and animated them to rise and take arms, and that had been said to threaten the Parliament; when he was discoursed with by some, who were under concern for the public peace, it discovered the frauds and falsities of those suggestions, and how they were spread about to serve the great end of the public disorders, and only amuse the world; for he declared himself readily, that indeed they had apprehensions, that the Union would be prejudicial to them; that they did not like the articles, and thought the treaters had not done their duty, and the like; but that, as to their having any design to disturb the Government or to appear in arms, it was an abuse upon them; they had no such thought, nor should they do any thing, but in a national way; much less would they adhere to, or encourage the designs of a Jacobite French party, whom he declared they abhorred, and would never join with.

I think this is a plain demonstration of the truth of what I have alledged all along this story, viz. that there was a busy party, who run through the whole country, by all possible artifice to agitate and disturb the minds of the peaceable people; and, if possible, to bring them first to mistaken notions about, and aversions to the Union in general, and then to pursue those aversions, by

all possible methods of distraction and confusion ; and that this might bring the honest and well-meaning people of the nation, either by their numbers and interest, to overthrow the treaty ; or, by their folly and miscarriage, to overthrow themselves, and so to weaken both.

But God's goodness to this innocent people disappointed them here, and we never found the least tumult or disorder on this side afterward, to the particular mortification of the party that hoped for worse things from them.

The declaration therefore, or protest, which they posted up at Dumfries, and which the party handed about at Edinburgh, as a great instance of what they hoped for from them, is rather published here as an example of the notions they had poisoned the minds of the people with, than as the sense of the nation, in the case of the Union, and a sketch of what they endeavoured to obtain from all the rest. Appendix, No. E x.

We are now, in the process of this affair, come on to the middle of November. I must desire the reader to go back a little to the Parliament. They had begun to read the articles the second time, in order to vote on them. The beginning was a remarkable debate, and held for several days, as will appear in the minutes.

The first article was like putting the previous question, viz. Whether there should be an Union with England, in the sense of the present articles, or no : that is, whether there should be an incorporate Union of the nation into one kingdom, to have but one Name, Head, Signature, Constitution and Parliament, yea or no.

The manner of this question, and the difficulty with which it was carried in the House, I refer to the minutes, folio . But I cannot but observe one significant omen of the future good success of this treaty, and which, I must own, very much encouraged me to think it would go on, notwithstanding all the vigorous opposition it met with, was, that it was voted on the most remarkable day for public deliverance, that ever happened to this island. I am as far from laying any stress on such insignificant circumstances, as any man ; and I know they can have no efficiency in the bringing to pass the mighty events, which may be ushered so into the world ; and therefore I bespeak the reader to note this, not as a thing I lay any real weight upon.

And yet it was impossible to observe, without some emotion of the mind, and without some preface of the good issue of this matter, that the first article, being the great and essential part of the Union, was voted and approved on that remarkable 4th day of November, which was made happy to Britain, first, by the birth of the great and immortal King William, to whom these nations owe so much, that they cannot look on the Church restored, the bloody persecuting race of tyrants abdicated and fled, cruelty and prelacy dethroned, and all the
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mischiefs of a ruined nation vanished, and not blest the memory of that great agent of God's goodness to them, without remarkable ingratitude both to God himself the original, and to that glorious instrument of our felicity, the King. Nor was it this alone which rendered this day remarkable to us, but also that the great and remarkable Revolution of Britain, formed in, and founded upon the expedition of the same King William, bears date from this time, being the day which he first arrived in Torbay, in the West of England.

It could not but be a pleasant reflection to those who remembered the particulars of these things, to find, that without any previous calculation, or direction of men, the concurrence of causes should so effectually jump, for the bringing to pass the most remarkable transactions of Britain's establishment on the same day, that her deliverance from tyranny, and the many oppressions of a cruel and barbarous generation, that aimed at suppressing the foundations of liberty, and overthrowing the constitution of both kingdoms; and her deliverance from private antipathies, the peace of her inhabitants, and the great conjunction, we hope, of the hearts and affections of two nations, which, for many years had been filled with the most fatal and inveterate aversions, should take their rise together, and date their beginning both on the same fourth of November; and both on that very day when the great instrument of her deliverance, by whom she was put in a condition to bring all the rest to pass, was born into the world. Happy day! Happy to Britain! Happy to all Europe! Since the events of this birth, the actions of Heaven in the hand of this Prince, have been the foundation of all the glorious things which have since happened in Europe, and of the humbling the great thunderer of this age, who had established his kingdom in the destruction of the liberties of Europe, and in a view of the subversion of the Protestant religion.

It was on this happy day that the first article of the Union was passed in the Parliament, after infinite struggles, clamour, railing, and tumult of a party, who, however they endeavoured to engage the honest scrupulous part of the people with them, yet gave this eminent discovery of the principles of their own actings, in that there was an intire conjunction of the Jacobite, the Prelatic, and the Popish interest, in this particular; and the very discovery of this, opened the eyes of a great many people, who, in the simplicity of their hearts, had joined in the general opposition to the Union; but when they saw the tendency of things, and whither it all led, when they saw the society they were going to embark with; when they saw the enemies of the Protestant settlement all engaged, and these very people who had filled the land with the groans of oppression, and the cries of blood, coming to join hands with them, against an Union with England; when they saw, that to shun an Union with Christians, they were, of necessity, to come into an Union with Devils; men that had

transformed themselves into the very infernal nature, and visibly acted from principles, in this particular diabolical, in that they tended to erect the absolute subjection of nations to the lust, and unbounded appetites of lawless tyrants ; when they saw these things so plainly, we then found an alteration ; and the best, the most thinking, and most judicious people, began first to stop and consider, and afterward wholly to withdraw from the party ; and the clamour of the people, as if come to a crisis, began not to be so universal, but to abate ; and the more it did so, the more the secret party, who lay at the bottom of all the rest, began to appear and distinguish themselves.

The first article being past, the hopes of the party depended upon debating the matters of taxes, excises, customs ; and, as far as possible, setting up the popular arguments of care for the poor, the impossibility of paying duties, the incapacity of the trade to support excises and customs, and the like ; and here they had recourse from one shift to another, and like true soldiers, though in a bad cause, they fought their ground by inches.

From article to article, they disputed every word, every clause, casting difficulties and doubts in the way of every argument, twisting and turning every question, and continually starting objections to gain time ; and, if possible, to throw some unfurmountable obstacle in the way.

The consequence of this was making amendments to the articles ; nor was it a small disappointment to them, when they saw the Parliament willing to come into amendments ; and when, by the prudence of the Committee appointed to make calculations and examine those already made, it appeared that their objections were either answered and confuted, or the clauses so rectified and amended, as that they had no more room to fasten any of their cavils : they were entirely defeated, and the disaster was particular in this : that it shewed still the more plainly to the world, that their design was not to be satisfied in the amendment and alteration of what they objected against, but in having something to demand that would not or could not have been reconciled.

This caused a great many trifling emendations to pass, which, in themselves, had not signification enough either to deserve the name of objections or to need any disputing.

It is evident the design was to load the treaty with a multitude of amendments, among which, it was to be hoped, some might be found which the Parliament of England would scruple ; or, at least, that it would be a precedent for the Parliament of England to consider the treaty and make more amendments ; which being to come down to Scotland again, to be considered here, would bring another sitting on of course ; when, by delays, the time fixed to the first of May might be elapsed, the season of the year advance, which hitherto had not favoured them for the riots and tumults of the country ; and, in this delay, they might find further advantages.

How their future actions conformed to this suggestion, and how they were in every step disappointed, is the next thing to be discoursed on;—but I must adjourn it a little and return to the affairs of the Church, which were at this time in equal agitation proportionably considered; and the party who opposed the Union used all possible artifice to bring things into confusion there, in which they discovered a double mischief in their design; 1. To bring to pass the grand design of obstruſting the treaty; and, 2. If possible, to make the disorders they aimed at take their rise in the Church's dissatisfactions; by which last thing two other ends would have been obtained.

1. They would have fixed the scandal of all the consequences, even of their own rashest actions, upon the Church.

2. They would have drawn in multitudes of zealous, but innocent people, to have pushed on their designs blindly, imagining they had been acting for the Church.

But, as before, so even now, the prudence and steadiness of the Ministers in the commission of the Assembly, defeated all the wicked designs of this party; for though there were in the commission a great many Ministers who were sincerely and heartily against the Union, yet they were not to be drawn in to act with so much imprudence as the projects of that party designed; and therefore, whatever heat or unhappy warmth at several times happened there, and which at one time was feared would have gone higher, yet the temper and sincerity of the main body, both Ministers and Elders, always over-ruled, and, in good time, suppressed it.

I have already given you the address which the Commission of the Assembly gave in to the Parliament, in order to obtain a security for the Church. This address effectually answered the end of the Ministers, in that it obtained a vote in Parliament, November 2, viz. That immediately after the first article of the Union was voted, the Parliament will proceed to an act for the security of the doctrine, discipline, worship, and government of the Church, as now by law established within this kingdom.

All this time an overture or a draught of an act, intituled, *An act for the security of the true Protestant Religion and the Government of the Church, as by law established within this kingdom*, was read and ordered to be printed.

While this overture was preparing in the Parliament, and after it was printed, there were no small endeavours used to possess the minds of the people, that it was not a sufficient security for the Church.

There had been some suggestions spread, that the Parliament would put them off, without effectually securing the Church; and all possible care was taken to improve this notion, and the people were agitated on that head, as much as possible: Some said, the overture ought to have been drawn up by the Commission, not by the Parliament; and that it was leading them on in the dark,
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with a general vote, that an act should be passed, without letting the Church judge what was sufficient for her security, and what not.

It was argued against this, that the Commission had mentioned in their address, the heads in which they ought to be secured; and there was no doubt but the Parliament would make that address the foundation of the Act of Security; that, if there was any thing wanting, they would have time enough to renew their address, for the adding such things, as they judged reasonable; and that therefore they ought to stay, and not interfere with the proceedings of the Parliament, whose proper work it was, to prepare their own acts.

But this did not satisfy some people, who insisting on the Commissions concerning themselves in it; the Committee for public affairs moved, October 25, in the Commission, that some Members might be appointed, to see what the Parliament Men had prepared for the security of the Church.

This was the time, in which the debates in the Commission run highest, and when some of the Elders, taking offence at the warmth of some of the Ministers, withdrew themselves from the Commission; but wiser and more moderate heads interposed, and prevented the ill consequences of these things, as will afterwards appear.

Upon inspecting the overture for security of the Church, and viewing the provision made there for such security, the members of the Commission, who were appointed as above, reported, that there were some difficulties remaining, which they desired might be considered.

These difficulties began a warm debate in the Committee of the Commission, which were reported as considered by the Committee, and are as follows:

1st. That it would seem, that the Sovereign of Great Britain, in the coronation oath, is to be sworn to maintain the rights and privileges of the Church of England, as by law established, without any respect to the Church of Scotland. 2dly, That by the oath of abjuration taken in England, obliging to maintain the limitations of the succession, and qualification of the successor to the crown, the taker seems to be obliged to endeavour, to the utmost, the exclusion even of such Protestants from the crown of Great Britain, who are not of the communion of the Church of England, as now by law established there. 3dly, Several difficulties being proposed, with relation to oaths, it was discoursed, how a bar may be put to the British Parliament's imposing oaths upon the Ministry and people of Scotland, inconsistent with the principles of this Church. 4thly, That the people of Scotland may be exempted from the sacramental test, in use in England, which excludes all from any office in Britain, or benefit from the Crown thereof, who are of the communion of the Church of Scotland; and some other things, which was thought, might be uneasy, and of dangerous consequence to this Church, if not provided against in the conclusion of the Union: and these things being discoursed upon at great length, were again referred to

the Committee for the public affairs of the Church, to be further considered, and they to report.

The Committee, to whom this affair was referred, reported, that they have had several meetings, and discoursed at great length upon the four particulars relating to the Union, and heard several Ministers and others upon their scruples thereanent; and likewise upon a fifth particular, that the constitution of the British Parliament, where twenty-six Bishops do sit as members, seems to be inconsistent both with the principles of Presbyterians, and the covenants and engagements of this Church and nation.

It would be too long to set down here, how the Commission was daily besieged with clamours and cries, raised upon the jealousies of the people; and how they were urged to all manner of improper resentment, upon the allegations now raised against the security of the Church, as it was offered in the overture: this debate rising so high, I think it not improper to print the overture itself, as it was first drawn up, as well as when it was with amendments engrossed; the first draught therefore you will find in the Appendix, No. F x.

I shall forbear entering here into any of the heats and indecencies which passed upon this debate, since they came to no extraordinary height; and the wisdom and forbearance on both sides, prevented the evil consequences which some hoped for from them.

The second address of the Commission had its birth in these disputes; and though the enemies of the Union expected great things from it, yet, as it came out quite another thing than they designed, having been reduced to shape, and stripped of all its monstrous figure, in which it was expected to come into the world, it had two consequences, which served to assist even against the party that promised themselves so much good from it.

1st, It convinced the world, that however it was spread abroad, that the Commission would violently oppose the passing the act of security, as a thing of no consequence, and so put a full stop to the work; it was evident, the Commission was not to be blinded by out-sides, nor screwed up by parties; but that, calm and clear sighted, they would go on, in all cases, with the same gravity, consideration and temper, which they had shown from the beginning.

2dly, It obviated the great debate about the Church here submitting to the Episcopal jurisdiction of the Church of England, or to the votes and suffrages of the Bishops in the British Parliament; in that though they did not interfere or prescribe to the Parliament; yet they exonerated their consciences, and the whole Church of Scotland, by making, as it were, a protest against it, as what they would not be understood to comply with, either now, or by any action in time coming, which should be the consequence of the Union.

Thus the difficulties, though resolved to be presented to the Parliament, yet came out in a modest and humble dress, suitable to the dignity as well as dis-

rance of the Assembly, to which and from which it was presented; and yet it came out in a dress which some gentlemen of the Commission, particularly of the ruling Elders, did not approve of.

Some would have had this address been called a protest, but the moderation of that Reverend Assembly crushed that motion; and, after some debate, it obtained the title of the representation and petition, and was resolved on in the Commission the 8th of November, and the same day presented to the Parliament. The exact copy of this paper, you will find in the Appendix, No. G. x.

When this paper was agreed on in the Commission, the Earls of Rothes and Marchmont, Lords Polwarth and Forglan, Sir James Campbell, the Lairds of Jerviswood and Ardkinlafs younger, and several other gentlemen, who sat there as ruling Elders, declared their dissent, and entered their protest against it, taking instruments in the hands of the Clerk of the Commission, and promised to give in the reasons of their dissenting, which accordingly they gave in on the 15th of November.

Upon the giving in these reasons by the Elders, the Commission appointed a Committee to wait upon the Elders; and to know if they insisted upon having their reasons for protesting recorded, and to signify to them, that if they did, the Commission would be obliged to draw up their answer to those reasons, and to record the same likewise.

The Committee never obtained an answer from the gentlemen in a body; but as many as they met with gave for answer, that they did not insist positively on it, but left it to the Commission either to record it, and form answers to it, or not as they saw most proper.

The Committee having reported this, the Commission did at last think fit to record the protests, and the reasons annexed, and drew up their answers to them, though they waited two months before they entered it; which, because they are very material to a right understanding of the present debate, I have annexed to this work in the Appendix, No. H. x. I. x.

I think the reasons and answer are a sufficient comment upon this text; and whoever pleases to peruse them will see, that though the designs of wicked men pointed much further, yet the Commission, both Ministers and Elders, were wholly influenced by principles of peace, honour, conscience, and the good of the Church.

I know some thought the Church went too far in this affair, and especially in the matter of the sacramental test, which seemed a thing perfectly remote to them, and what they could have no concern at all in; and the Gentlemen, in particular, were yet more willing than the Ministers, to have let both that and the matter of the civil power of the Bishops quite alone.

But if we shall consider how the Ministers were daily besieged, as before, with the importunate violences of the people; how many among them really thought this,

this part in particular directly against the Covenant ; and how, by false reports, many had been so imposed upon as to believe the sacramental test in England, extended even to the Members of Parliament which should be sent from Scotland.

When, I say, they consider the fears and jealousies which overspread all sorts of people ; and how far the artifices of a wicked party were, at this time, in their meridian, and had inexpressible influence on all sorts of people, they will, with me, admire that the Commission was able to maintain their steady resolution ; how they worked through these floods, and kept the middle way with temper and moderation, to preserve themselves from the snares laid for them.

All these things considered, it was, in most peoples opinion, a victory gained, and the party received a manifest disappointment even in this representation, in that the Commission could be brought to no precipitations, as some people flattered themselves they should.

However this may be the general opinion, I know some people took ill the length they went in this affair, and thought they exceeded their proper sphere ; but I believe those Gentlemen are very well satisfied with the unanswerable arguments drawn from hence against those, who, not content with this length, thought to upbraid them with forgetting the national obligation of the Covenant, which they fairly quitted themselves of by that article, in which they declare civil places of churchmen to be not submitted to by them, but against both their Covenant and consciences, and so have fairly exonerated the Church from that affair which stuck so near her.

The representation was presented to the House, just when the overture for the security of the Church was under their consideration ; and however it did not at present meet with a very favourable reception, even by those who were the Church's very good friends, who thought as before, they run it too high, and also ill-timed it ; yet neither did the Gentlemen wholly omit the things requested therein, though they seemed to sleep for some time ; but particularly the clause about the valuation of teinds and plantation of kirks, which they passed an act for by itself : the matter of oaths seems also settled in the amendments to the overture : the other, as the matter of the sacramental test, and the suffrages of Bishops in the British Parliament was silently let fall, as things they could by no means meddle with in the treaty.

Here the opposers of the Union met with another disappointment ; for had these two articles been insisted on, they knew the event would have been a rupture of the treaty, and their great end had been answered, viz. to obtain the Parliament to demand something, which they knew England could never grant.

Thus the storm blew over, the Act of Security for the Church was voted, and laid by to be annexed to the articles, and made part of the Union, as shall afterwards appear.

As this had made a great noise in the Assembly, so it had been no less can-

vassed all over the nation: some condemned the Assembly in the main, and pretended to censure them publicly, for engaging themselves in matters that had so plain a tendency to breaking up the Union, and desiring the Parliament to concern themselves in those affairs in England, which could really admit of no debate in this case.

But, as if the Commission wanted the authority of their constituents to back them in their proceedings, and to justify their conduct, the respective Presbyteries in the country began to come in with letters, or a sort of addresses, testifying their approbation of what the Commission had done, &c. But the Commission diligently avoiding every thing that was tumultuary or popular, gave a cold answer to them; as particularly to that of Dumfermling, who subjoining to their approbation of the petition their desire about fasts public and private, as in a time of impending dangers, the Commission resolved, That their act about fasts passed before, did sufficiently answer the Presbyteries desire, and so took no notice of the rest; which prudent way of proceeding stopped the design, which seemed to be only to make the representation as popular as they could, that it might, on the one hand, encourage further petitions, and secondly, oblige the Parliament to come into their measures.

While this was thus carrying on in the Commission, the country began to be very uneasy, and threatenings came in every day, of coming up in armies and rabbles, to raise the Parliament, and to desire that the Church might be secured.

The Presbyteries of Glasgow, and of Stirling, sent letters to the Commission, containing heads of grievances, and representing several things, which they desired the Commission to demand of the Parliament, for the Church's security.

To this the Commission of the Assembly answered, That they had done, or were now doing, all that was desired in their letters.

An ill-natured motion was made in the Commission also, to send circular letters to all the Presbyteries, to send up their Members to the Commission, and a Committee was appointed to consider of it; but this occasioned such variety of debates, that the Committee could come to no resolution, but referred it back to the Commission, and there it dropped.

This was a plain design to renew the debates; and, if possible, to bring the Commission to protest or declare themselves against the Union.

The representation was now before the Parliament, but, as yet, they took no notice of it; and it was apparent that they pursued their treaty for some time, without any respect to the said representation; and indeed it was foreseen they would do so, the gentlemen easily seeing, that if these things were insisted, it was just a resolution to break off the Union.

The other party eagerly reported about town, that it was a disrespect to the Church, not to regard her solemn representation; and then the consequences of
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the Bishops voting in Parliament were laid forth, and the danger of the Church was now their general discourse : Some were alarmed with this chimera, that the Parliament had not a sincere respect for the Church's safety ; that the gentlemen had no great concern about the matter, and so the Church would be exposed to her enemies, by the negligence of her friends.

But the Commission saw through all this ; and having done what they thought their duty, both for the Church's security, and for the exonerating their consciences in the cases they could not comply with, they resolved to stand still, and leave the consequences of things to Divine Providence, without pushing at things impracticable, or such things as tended only to division.

This steadiness of the Ministers broke all the measures of the party. Their hopes to embroil the Ministers with the Parliament vanished ; and the discourse of the representation or petition began to grow old and die.

The Commission had their hands full of their representations of another sort, about the growth of Popery, the ill practices of some of the deposed Ministers, and the like, and so it wore off by degrees.

I mention, in this account, the prudence and moderation of the Ministers so often, not that I design to write panegyrics here, much less to flatter the persons of the Ministers ; but whoever knew the management of that time, and reflects back on the particulars, will easily join with me in this, that there were several parts of management practised upon the Ministers, in order to ruin their counsels, besides what the open debates of the Commission discovered, and particularly such as follows :

1. There was a design, if possible, to bring the Ministers into a general declaration against the Union, as dangerous to their liberties, inconsistent with their principles, and contrary to the obligation of the national Covenant. Of this I have spoken in the course of the story.

2. There was a manifest design to bring them to a rupture among themselves ; and that, if possible, supposing the Union should proceed, or not proceed, the disagreeing party might be brought to a breaking off, or dividing from the rest, and so form a settled stated dissent, or breach in the Church ; nor was this a thing of small consequence ; for it was really big with a large variety of mischiefs, and very cunningly contrived ; snares were laid for the whole body, not of the assembled Ministers only, but the constitution of the Church of Scotland, whose destruction was almost visible in the project, had it met with success.

Had the Union been completed without the concurrence of the Ministers in commission, either the Church affair must have been left out, or the enemies of it would have always said, it had been settled without her approbation, and consequently the settlement been both imperfect and illegal.

Had one party declared for the Union, and another against it, and, had both
those

those parties adhered to their respective declaration, by any public separation as a party, the House had been divided against itself, and the consequence would have been hoped for with but too much probability.

In this very case, the prudence of the Ministers, I say, was remarkable, and next to the wisdom of Providence directing, was the only means of preventing the mischief contrived : it is not to be doubted, but, in the commission of the assembly, and among the Ministers without, there were men of various sentiments, some against, and some for the Union; but their wisdom was particularly seen in this, that however they differed in the debating things, they always concurred in every public act of the Commission, and made no division for nor against it.

We find but one protest in the whole affair, which was in the case of the representation and petition ; and this began among the ruling Elders, and continued there ; for none of the Ministers ever adhered to that protest, but even those that were against some parts of the representation, yet, seeing themselves out-voted, acquiesced; nor was all the representation objected against by any body; it was a paper, I doubt not, some hoped to draw mischief from, yet that mischief had its disappointment effectually, though the paper had its success, in being carried on ; for it appeased the minds of many, who, being satisfied of having exonerated their conscience, acquiesced in other cases with the more freedom ; nor was the representation in general without its particular reasons to be assigned for it, as is further expressed in the sequel of the story : as to the Ministers in all other cases, how warmly soever they debated, and with whatsoever firmness the several Ministers adhered to their opinions, yet they submitted their votes to the plurality, and all things were carried in a regular and orderly way, to the great disappointment of their enemies, and to the great ease and satisfaction of all good men of every opinion.

Nor should I do justice here to particular persons, if I did not acknowledge, and record it to his honour, that much of this is justly due to the prudence, patience and temper of the reverend Moderator Mr. William Wishart, then Minister of Leith, who was Moderator of the Assembly, and also of the Commission, and who acted the true Moderator in all these disputes wisely, calming, tempering, and with difficulty enough, reducing the warmest debates to a method of conclusion ; and I must own, he had a task of no small difficulty, though he had, no doubt, the concurrence and assistance of the men of most candour, temper and judgment on either side, since it could not but be visible to every thinking man, who had any concern for the good of the Church, that to run any differences up to a head, could issue in nothing but the utmost confusion, gratify the enemy, grieve all good Christians, and in the end ruin the peace of the Church.

And this remark of mine is the more just, in that I could not but observe,

that the debates on these affairs had sometimes that unhappy warmth, that they seemed to tend necessarily to a breach; and to come to the very point, and lookers on, of whom I was one with a sad heart, expected something fatal, not to the Union only, but to the whole Church, must unavoidably have followed every debate; and yet we always found cooler thoughts prevailed, and wise men yielding this way and that, continually maintained a harmony, in concluding whatever there was in debating.

Another piece of conduct was very instrumental to preserving the public tranquillity, viz. that the Ministers, generally speaking, kept these debates out of the pulpit; for though all manner of society was taken up with disputes of the grand affair, the pulpit was very free of it; I say, generally speaking, what indiscretions there were, had not influence enough on the rest, to recommend the example; particularly, I think it was a very great wisdom in those Ministers, who were for the Union, and who had many prompters to it, had the Government to countenance them in it, and enemies enough to catch at it, if they had; I say, it was their wisdom that they forbore it; and I think these happy consequences followed to prove it so.

1. It took away all pretence from those people, who designed, in this unhappy game, to play one part of the Church against the other, and set up one side against the other more effectually.

2. It took away the ground of pulpit clamour, and kept those people silent, who, had it once begun there, would have been loudest by far in the exclamation; for, had one party first preached for it, the other would, of course, have preached against it, and so the pulpit been made a mere stage of contention.

But, on both sides, the Ministers, as well on private as public days, let it generally alone; they prayed for direction and blessing on the Parliament, and on the meeting of the Ministers, as transacting difficult and doubtful cases, but avoided entering into debates.

I think I do them nothing but justice therefore, in hinting, that the temper and calmness, with which the generality of the Ministers behaved in this nice occasion, was very great, and contributed very much to the quiet carrying on the great work.

Soon after this, the country tumults came upon the stage; and, as it was a peculiar to this treaty, that the very methods taken to ruin it, concurred to press it forward; so these tumults served to open the eyes, and calm the spirits of abundance of those honest people, who were prejudiced before; who, though they were willing to oppose the Union, as what did not correspond with their opinions, and as they thought with the public good; yet, when they saw it going to arms, rebellion, and blood; and when they saw this further, that, in order to oppose this national conjunction, they were to join in a civil war against their Governors, with their and the nation's known enemies; their eyes began

to open, and they slackened very much, from that time, their appearance against the treaty.

This manifestly shewed the difference between the men, who, in the singleness of their hearts, opposed it, as apprehending it unsafe for the established Church, and inconsistent with their national engagements; and those, on the other hand, who opposed it, as contrary and fatal to the Popish succession of James VIII, as they called him, and the Episcopal hierarchy: and these differed just as the two harlots in Solomon's time;—the true mother of the child chose to lose her possession of him, rather than that the child should be murdered; so these faithful friends to their country, however possessed against the Union by the public clamour; yet they would choose to suffer the inconveniencies they feared, rather than see their country involved in blood, a civil war breaking out in the bowels of the kingdom, and foreign Popish, or tyrannical powers invading their privileges, and pulling down all before them.

This will appear to be the case, in the further pursuit of the story, and the sight of this affected the hearts of a great many of those, who had any compassion for their country; and from this time forward, the Commission met with less disturbance from the hot people on these heads, but went on calmly, and with all the temper and moderation that could be expected.

The letter from the Presbytery of Hamilton gave them some little disturbance, but it was soon over; and their circular letter to Presbyteries, to endeavour to preserve the public peace, not only shewed their own resolution to keep all quiet and peaceable, but discouraged all endeavours afterward to disorder them; of which by itself.

But things were now grown to a strange height; and the same engines, who so boasted of the effects of the representation and petition above-said, shewed themselves not idle in their management of affairs abroad; for they carried on the discontents of the people to all possible height.

And indeed the case of the poor common people of Scotland was very hard, in respect to their share in these matters; they are not the only common people in the world, who take things by wholesale; and who being inflamed with the clamours and arguments of the more knowing sort, their landlords, leaders, heads of families, and, as they too properly call them, masters, and alarmed with out-cries of dangers, and distresses; which were to come upon them by the Union; things which they could not answer, nor had any reason to question the truth of, seeing their great men possessed with the belief of them: 'tis no wonder they were exasperated to the highest degree, and ready to attempt any thing, to save themselves from the destruction at hand.

Again, they were not altogether the people that were disagreeable to them neither, from whom these discontents began; had they been only the Episcopal, or Jacobite, or Popish party, that had started these things, a short answer would

have

have opened the eyes of the common people ; and it had sufficed to tell them, from whom their objections came.

But when, by the subtilty and artifice of these men, they had drawn in a great many of the honest well-meaning people of the country, who were known to be well affected to the present civil establishment of the nation, and zealous for its religious establishment ; when these were seen among the number of the warm opposers of the Union, shaking their heads at the articles, and frightened at the terrible consequences, which were talked of ; who can wonder, that the rest of the people began to be uneasy, and that those uneasinesses, at last, broke out into excesses, madness, and distraction ?

The people of Scotland, I say, are not the first instance how easily it is to be imposed upon, and how readily a mob is raised by a rumour. How soon did the Jews of Asia put all Jerusalem in an uproar, when they made them believe their worship was in danger by Paul's preaching, and that he not only invaded their worship, but had actually defiled the temple ! How readily did they lay hold of the blessed Apostle, and had certainly murdered him, if the civil authority had not, assisted by the military, rescued him out of the hands of the mob, and put the case in the way of a fair hearing !

It was not for the poor people to distinguish the original of causes and things, nor who was at the bottom of these rumours ; it was not for them to distinguish the hand of Joab in all this ; whether Jacobite or Papist was the original of this matter, was not for them to examine ; they saw their superiors joining in the same complaint, and every party saw some of their respective chiefs embarked.

The common people could look no further ; the Episcopal poor saw their curates tooth and nail against it ; the ignorant and indifferent poor, saw their Jacobite landlords and masters railing at it ; and which was worse still, the honest Presbyterian poor people saw some of their gentlemen, and such as they had remarked and noticed to be hearty Presbyterians, yet appearing against it ; who then can censure the poor, depending, uninformed and abused people ?

And how, but by these concurring accidents, was it possible the poor deluded people of Glasgow, and the West, could be drawn into mobs and tumults, in gratification of that very party to whom they have been the very antipodes, the reverse, even in all the ages of the reformation ; by whom they had been plundered, rifled, butchered, and persecuted, in the most barbarous manner, with cruelties and extravagancies innumerable : will any man say, the men of Glasgow, famous for their zeal in religion, and the liberties of their country, even from the very infancy of the reformation, were now turned enemies to the Church of Scotland, and ready to fight against her, in the quarrel of their bloody and inveterate enemies, the Papists and Jacobites ?—It could not be.

Will any man suggest, that Glasgow had forgotten herself so much, that the blood of her citizens and inhabitants, shed in the old articles of Pentland

and Bothwell, and the ravages made upon her, and the countries round her, after those unhappy times, even to the confines of the Revolution, were forgotten? Will any body think, the Glasgow men had so far forgot the history of twenty years ago only, that they could now join with the murderers of their brethren and fathers, and take up arms in favour of their mortal enemies?—No, no, nothing less; it was all delusion and mere artifice; the party played the Presbyterian against the Presbyterian, the Williamite against the Williamite, and having subtilly possessed a few honest, but deluded people, with the frenzy of the time, made them the tools of their projects, if possible to bring them to pull down one another, that they might afterwards with the more ease devour them both.

And this leads me of course into a story of the Glasgow rabble, which now came upon the stage, and which in its turn, though raised with a different design, was one of the proofs of God's providence working every thing, howsoever pointed at the Union, to act for it and further its conclusion.

They had had in Edinburgh continual alarms of the rising of the people in the West and North parts, in order by force to put an end to the treaty, though the people themselves knew nothing of it, nor had any such design: to-day it was in Angus, to-morrow in Galloway, now at Stirling, then at Lanerk, then at Hamilton, then at Glasgow, but nothing yet appeared; and some began to mock these fears as groundless. The party made their different uses of the reports; to-day enlarge them to terrify and amuse, to morrow lessen them again as mere rumours, to lessen the watchfulness of the Government, and make them secure; but the design was manifestly to procure the tumults they expected, by reporting they were begun.

That these fears were not groundless, or those alarms mere chimeras, may be seen by the Commission of the Kirk's circular letters to the several Presbyteries, to desire them to keep the peace, and to be earnest to prevent such tumults; to which the Presbytery of Hamilton gave an answer, which seemed to object against those fears as unjust, though it did not afterwards appear so. Vide the Appendix, No. P.

And now, though in the story of the Glasgow rabble, I shall be obliged to mention the unhappy slip in those prudentials, which, as I have observed, the Ministers, generally speaking, behaved with; I shall not, however, offend any person of common charity, since I shall be far from saying the Gentleman here did this with a design to raise the tumult that followed; much less would I so much as suspect, that he could in the least have it in his thoughts, to gratify the folly and projected destruction of the Kirk of Scotland, which, in all these things, was apparent enough in the secret party that pushed on these things.

As to the rashness and intemperate zeal, or whatever other mistaken foundation it had, producing the heat and warmth of the expression, I have the charity to believe, he is convinced of the error of that; and so, while I am obliged to repeat the

the circumstance, I shall as little as possible reflect upon the person, being desirous, in all cases, rather to cover than expose the undesigning failures of all honest men, as what they may be led into by mistake, but never prosecute when their judgments are better informed.

But to come to the particulars of this unhappy story at Glasgow, which I shall relate with all the impartiality possible, and without respect of persons, both for the sake of the history, which it is necessary to transmit faithfully to posterity; as also for setting things in a true light, and placing the guilt where it is justly due, which at present is understood to the prejudice of that city in general, and of those honest Gentlemen among the inhabitants who had no concern in it, unless it were to be insulted and made uneasy by it.

The first uneasiness that I meet with among the people here, I mean that was particular (for the general uneasinesses about the treaty were visible every where, as I have hinted already), was about addressing.

Great had been the endeavours of a party of men, all over the kingdom, to bring in numerous addresses to the Parliament against the treaty, in order to fortify that argument, which was now brought in as a strong bar against the immediate proceeding, viz. That it was against the general inclination of the people; which you will find, moved in the House upon the second reading of the first article, as per the minutes.

The party at Glasgow had been very busy to persuade the Magistrates to address, as the other Royal Boroughs had many of them done; but the Magistrates shewing no inclination to it, they found there was no way to bring it about, but by the common people.

Nor could all their credit with the common people bring it to pass; the instruments being chiefly Jacobites, Papists, and Episcopal people, whose reputation and interest in the city of Glasgow, and parts adjacent, had always been but very low, and now lower than ever; so that, to effect their design, they had recourse to the policy of the times, viz. deluding and imposing upon others, and this did their work; for had they not made use of some weaker brethren, who had more influence upon the people, they had never brought it to pass.

To bring in some of these, all the popular arguments mentioned before were improved; among others, the danger of the Kirk of Scotland, I believe I may say in their favour, was not the least.

Drawn in by these specious pretences, the Jacobite party had the pleasure to lay by, and see their work done to their hand; and the people being sufficiently inflamed, they waited the issue, when one unhappy indiscretion, to say no worse of it, finished all their hopes, and brought to pass the mischief they designed, in the best manner for them they could have wished for.

Some of the Elders of the Church had privately waited on the Provost, whether moved by their Minister, or by the common people, or of their own heads, I shall not determine, though it is not very difficult to trace it to its

beginning; but it is apparent, the Minister we are to mention, as well as some others in the town, were very earnest for the thing. Their business was, it seems, to move the Provost, that an address might be presented to the Parliament against the Union; they might have commanded a popular address among themselves, but that was not what they desired, but an address in the name of the city, by the Provost, Baillies, &c.

The Provost answered to this purpose: That he did not think it would be prudent for them to address at this time; that he had been at Edinburgh, and had consulted the Lord Advocate, and some of the city of Glasgow's best friends, and all unanimously advised them against it, and gave it as their opinion, it was not their interest to do it: particularly he reminded them, the Parliament had but the last session granted them the tax of two pennies the pint; and if they should now appear as a town in this address, it might urge them to repeal this grant, and the city might be a great sufferer.

This was a very good reason why he should decline the address, if the gentlemen had been in a condition to hearken to reason; for if the Magistrates had addressed, they must also have followed it with reasons and arguments openly as a body, which in such case would have been, in all probability, ill taken by the Parliament, if, as is very likely, those reasons had been such as came in from other places, peremptorily inhibiting their proceedings, and impeaching their power to act, without leave from their constituents, which indeed was the thing now insisted upon, and generally aimed at in the project of addressing.

The Provost having thus, though very calmly and respectfully, declined the matter, the people appeared very uneasy, and some hot expressions had been let fall in discourse about the town, that they would have an address one way or other; but one unhappy accident soon discovered the meaning of the whole.

On Thursday the 7th day of November, the day after the fast appointed by the Commission of the Assembly was kept in Glasgow, Mr. C——k, Minister of the Trone Kirk, preached from the words in Ezra, viii. 21. “And I
“ proclaimed a fast at the river of Ahava, that we might afflict ourselves before
“ our God, to seek of him a right way for us, and for our little ones, and for
“ all our substance.”

I shall convince the gentleman concerned, that this account is not made for a satire upon him, it is too serious a subject; and when both he, and those who heard him, reflects on how much more his unhappy temper, at that time, forced from him, than I set down here, all which I have by me verbatim, as he spoke it; he will, I say, be convinced, that I talk no more than, in the obligation of a historian to truth of fact, I am bound to do.

In the conclusion of his sermon, after telling his hearers the sad condition they were brought to, and how forward Glasgow used to be in the honest cause, he added to this purpose:

Addresses would not do, and prayers would not do, there must be other methods; it is true prayer was a duty, but we must not rest there; and closed it with these words, “Wherefore up and be valiant for the city of our God.”

I am not at all apprehensive of having the truth of these words questioned, having received them from the mouths of more than two or three of the principal inhabitants of Glasgow, who heard them spoken; and if the misplacing a word should be snatched at, I venture to say, that this was the full purport of the expression, without the least variation; as to the weak good man that spoke them, I will not suggest that he foresaw the consequence of them, or had any such thing in his design, though it calls for some charity to guess his meaning. The kindest thing I can say of them is, that he did not mean at all what followed, but spoke in his haste; for God forbid I should suggest he meant to raise a rebellion, and to bring his country into all that blood and confusion, which, if God’s goodness had not prevented it, had certainly followed.

The sermon ended about eleven o’clock, and the people were so inflamed before, that by one o’clock the mob were gotten together, their drum was beat in the back streets, and all the confusions we are now to speak of followed.

The next day, the Deacons of the Trades, which is the same as in London, the Masters of the Companies, followed with a middling number of * tradesmen, came to † the Council-House, and leaving the people below, the Deacons of Trades, and some few, went up to the Provost, and demanded of him very rudely if he would address.

The Provost, though surprized with their manner, composed himself, and, according to his known calmness and steadiness of temper, told them, that he was not satisfied to address; and an eminent inhabitant of the town, viz. the Laird of Blackhouse, used a great many arguments with them, civilly to persuade them to be easy and satisfied, and not to promote any disorders in the city.

While they were thus discoursing in the town-house, the number of the people increased without, and began to be tumultuous; but as soon as the Deacons came out, and reported to them in short, that the Provost had refused to address, the people fell a shouting, and raging, and throwing stones, and raised a very great uproar.

And here the Deacons deservedly obtain the title of the raisers of this rabble; for had they related the calmness, the reasonings, and the manner, with which the Provost very discreetly answered them, the people might very easily have been quietly dismissed; but now it was too late, the answer, as it was given to them, was only in gross, that the Provost was resolute, and would not address.

* By tradesmen in Scotland, is understood none but the meaner sort of people, such as shoemakers, smiths, butchers, weavers, and the like, as in England are called handicrafts; the shopkeepers, such as mercers, drapers, grocers, &c. are all called merchants.

† A chamber in the Tolbooth, where the Magistrates sit, and where the City Council assembles, and where the Provost generally is every morning.

Enraged thus, they flung stones at the windows, and, as much as they could, insulted the Provost; but he found means to withdraw, so that they could not hurt him for that time.

In this rage, they went directly to the Provost's house, got into it, took away all his arms, which were about twenty-five musquets, &c. some few things were stolen in the throng, but that was not much: from thence they went to the Laird of Blackhouse's dwelling, broke his windows, and shewed their teeth, and thus the first tumult ended.

The Provost retired for a while out of town, and the Laird of Blackhouse also, not knowing what the issue of these things might be.

I pay no compliment at all here, but a debt to truth, in noting that the Provost of Glasgow for that time, —— Aird, Esquire, was an honest, sober, discreet gentleman, one that had always been exceedingly beloved, even by the common people, particularly for his care of, and charity to the poor of the town; and, at another time, would have been the last man in the town they would have insulted.

I mention this to obviate the supposition, that the rabble took this occasion to insult him, upon former resentments, as has been usual in like cases.

The Provost being withdrawn, and the address they designed thus baulked.

They set it on foot without him, and indeed they effectually answered the Magistrates desire, who resolved, if there was an address, it should be a mere mob address.

Many a mean step they took to get hands, by threatening, affrighting, and hurrying people into it, taking youths and mere childrens hands to it.

Every man that refused to sign it, was threatened to be rabbled, and have his house plundered, which made a great many timorous people sign it, that did not approve of it.

This being the method, it may easily be imagined, the address was not many days a finishing; and such as it was, they sent it away by four of the townsmen, whereof the first two * were the Deacon of the tailors, and the Deacon of the shoemakers; the other two that went with it were gentlemen, too well known to be suspected of desiring any such kind of tumultuous proceedings, but complied with their desire, in order to prevent worse consequences.

If the multitude of addresses, which have been boasted of, as a declaration of the aversion of the people to the Union, may be guessed at by this, those gentlemen, who bring this as an argument, have small reason to boast, and need not be very forward to have the particulars examined into.

The address having thus been signed, and sent away, the people began to be quiet again, and the tumult seemed to have an end; the Provost, who had

* Robert Scot, Deacon of the Tailors, —— Stevenson, Deacon of the Shoemakers; John Bowman, Dean of Guild; and John Hamilton, Gentleman; were the four that went up to the Parliament with the address.

fled to Edinburgh, came home again, and every one went quietly about their business, till, a little while after, a new occasion set all in a flame again, worse than it was before, and made it appear, who was at the bottom of it all.

And here the warm gentleman, who from the pulpit put the match to this gun powder, may see who laid the train; the trifle of addressing was the least thing they sought for, though that served a purpose also; and these good people, who were drawn in to begin it, saw no further; but now it appeared to be all Jacobite and Papist at the bottom; that blood and confusion was the thing they drove at, and King James, prelacy, tyranny, popery, and all the mischiefs this nation has to fear from them, lay hid in the design, as will presently appear, and the poor thoughtless multitude were only hurried into it, by a conjunction of mistakes.

The second rabble had a beginning as small as the first, though not so soon laid, because the first had only the address in view, and was managed by a few, that the contrivers of those disorders had imposed upon, and deluded; but this part was under the more immediate conduct of the very party themselves, and was introduced as follows:

One of the Magistrates * of the city had committed a † fellow to the Tolbooth for theft. He had, it seems, been taken offering to sale a musquet or some other things, which it was made appear belonged to the Provost of the city, and which was taken out of his house in the time of the rabble above-mentioned.

This fellow lay in the Tolbooth for some time; but it was observed that in an evening there would be several of the common people at the window, talking to him through the grates of the prison. The Provost apprehending that the imprisonment of this fellow might be a pretence for a new disturbance, resolved to discharge him; but, that it might not seem to be done for fear, took a ‡ bond of him to appear again when called for, and among the rest of the people who came to talk with him at the grate was one Finlay, a loose sort of a fellow, who had formerly been a sergeant in Dumbarton's regiment in Flanders, and who openly professed himself a Jacobite, a fellow that followed no employ, but his mother kept a little change house || at the remotest part of the town on the Edinburgh side.

The fellow had given his comrades an account, that the magistrates had taken a bond of him; and the next morning this Finlay, and a rabble with him, comes up to the Clerk's Chamber, another office in the § Tolbooth, where the Magi-

* It was Baillie Hamilton.

† The fellow's name was Parker, a loose vagabond profligate fellow of a very ill character, a spinner of tobacco by employment, but a very scandalous person.

‡ This is called there a bond of presentation, and is all one with a simple recognizance without bail.

|| The common name of an ale-house or inn in that country.

§ The Town-house, in which is their offices and also the prison for the city; it is generally like the Guild-hall of a city, or the Town-house in England, saving that the prison is generally in the same house in Scotland.

strates meet, and there they demand this bond of the Clerk, it being put into his hands.

The Magistrates, willing to take away all occasions of tumult, and to leave them no excuse, ordered the bond to be delivered up; for the gentlemen rabble had now the full command of the town.

But to let it be seen that these were but seeking occasions, notwithstanding the Provost had told them they should have the bond delivered up, and they had now no reason but to be satisfied, the Clerk having orders to deliver it, they continued together resolving to insult the Provost at his coming out.

The Provost not imagining any danger, having granted their request, comes innocently out of the Tolbooth and went toward his own house; the rabble immediately gathered about him, thrusting and abusing him, and not with villainous language only, but with stones and dirt and such like thrown at him.

He would have made to his own house; but the multitude increasing and growing furious, he took sanctuary in a house, and running up a stair-case lost the rabble for some time, they pursuing him into a wrong house; however, they searched every apartment to the top of the stair, and came into the very room where he was; but the same hand that smote the men of Sodom with blindness, when they would have rabbled the angels, protected him from this many-headed monster, and so blinded them that they could not find him. It is the opinion of many of the soberest and most judicious of the citizens, that if they had found him, their fury was at that time so past all government, that they would have murdered him, and that in a manner barbarous enough; and if they had, as we say of a bull dog, once but tasted blood, who knows where they would have ended?

The Provost was hid in a bed which folded up against the wall, and which they never thought of taking down. Having escaped this imminent danger, he was conveyed out of town the next day by his friends, and went for the second time to Edinburgh.

The rabble was now fully master of the town; they ranged the streets and did what they pleased; no magistrate durst show his face to them, they challenged people as they walked the streets with this question, Are you for the Union? And no man durst own it but at their extremest hazard.

The next thing they did was to search for arms in all the houses of those that had appeared for the Union; and first they went to the Dean of Guild, and, upon his refusing to give them his arms, they took them away by force. They stopt here a little, but having given out that they would search the houses of all that were for the Union, the Magistrates assembled, and considering that if the citizens were disarmed, and the rabble possessed of their weapons, they might in the next place possess their houses, wives, and wealth, at their command; and that it was better to defend themselves now than be murdered and plundered in cold blood. They resolved therefore to raise some strength to oppose this violence, and accordingly ordered the town guards to be doubled
that

that night, and removed the place of arms from the usual guard-house to the Tolbooth. And that this guard should be of select persons such as they knew.

Accordingly orders were sent to all the Captains of the city militia, that each of them should bring twelve men with them, such as they could depend upon would stand by them to secure the peace of the city; and this was besides the ordinary guard.

This was done readily, and with great secrecy and celerity, the Captains of the militia, being faithful honest gentlemen, brought their men without any noise, beat of drum, or the like, and leaving the ordinary guard at the usual place*, and were that night increased to a whole company, and this select guard was placed in the Council Chamber †.

The rabble, who had resolved to be as good as their words, were now gotten together; and whether they thought the Magistrates were met in the Council-Chamber, and so they resolved to begin with them; or whether they had intelligence that they were upon their guard, is not certain; but about nine o'clock at night they gathered about the Tolbooth, and seeing a centinel placed at the top of the stair, ‡ Finlay, of whom before, is ordered to go up, and see what they were a doing, as he called it.

When he came to the top of the stair, the centinel challenged him, and thrust him back; but he comes on again, and thrusts in with the centinel, and gets by him.

At this juncture one of the citizens, who was privately appointed to meet as above, was just coming up; and having passed as privately as he could through the mob, who were at the stair-foot to the number of about 100, being a select party only, for the rest were not then got together, was going up the stairs. This gentleman seeing a fellow assault the centinel, boldly stepped up to him, and knocked him down on the stair-head with the butt end of his musquet, and immediately calls the guard.

The guard immediately took to their arms, and headed by one Lieutenant Lindsay, an old soldier of King William's, but now a burgher and inhabitant of the city, they came down and drew up at the foot of the stairs.

Some pieces were fired in the street, but whether at the guard or no, was not known. The multitude was great by this time, and being late at night, it could not well be discerned: but as they had all the reason in the world to expect it, they fell resolutely to work with them, and falling upon the rabble, they immediately fled and dispersed.

Having thus broke the first body of them, it was observed that they only fled

* The usual place for the guard of the town is in the Trone-gate-street.

† In the Tolbooth one pair of stairs high.

‡ The stone steps on the outside, where the iron rails are, and where the officers stand to read proclamations or any public acts.

from the immediate shock, but stood in throngs under the * piazzas, and in the heads of closes †, to see what the guard would do; and that with one halloo, they could all be together again in a moment; whereupon a party was ordered down ‡ every street to clear the piazzas and closes, and see the rabble effectually dispersed, which they did; but were all the way assaulted from the houses and out of the closes with curses and stones; the former did not much hurt, except to the givers, but the latter wounded several of the inhabitants, and some were very much hurt.

Had they been able to have renewed this guard, the public peace had been maintained, and the whole design of this rabble disappointed: but it is to be noted, these gentlemen were all citizens, heads of families, and of the principal inhabitants; the commonalty was universally debauched, and not to be trusted, and the gentlemen could not do duty every night, neither had all that were zealous enough against the tumults, either bodies to bear the fatigue of soldiers, or hearts to adventure; and those that were forwardest, could not be always in arms: this first piece of work was on Saturday night, the next night they relieved the guard by the like select number, and all was quiet; for while these men appeared, the rabble durst not stir.

On Monday the Magistrates summoned the Town Council, and sending for the Deacons of the Tradesmen, the thing proposed was, what course should be taken to secure the peace of the city, and keep the Magistrates and inhabitants from plunder and insult.

The Deacons of trades, subtilly, and as appeared designedly, at least such of them as were in the design, proposed, that this select guard should be omitted, and pretended to promise, that if any tumult happened, they would come to the town-guard with their men to defend the city; which whoever observes how well they performed, will think it no breach of charity to say they never designed it: however, for this week there was no more tumult, but the mob reigned masters, and Finlay, who now had made himself one of their leaders, set up a guard at the upper end of the town near the cathedral, as it were in opposition to the town-guard.

This whole week was spent in amusements, and raising reports of the rising of the people at Stirling, at Hamilton, and in Angus; and that a great army of them was to rendezvous at Hamilton, from whence they were to march to Edinburgh, to raise the Parliament: Finlay gives out, that he will march with all the men of Glasgow, to meet their brethren at Hamilton on the same design. By whose assistance all this was done, the Government was too merciful to make a narrow inquiry, and so I must leave it as they did in the dark. Having

* The new buildings at the cross have small piazzas of stone on both sides, under which the shops are, and the people may walk in wet weather.

† Closes are the same with bye-lanes or alleys.

‡ There are but four principal streets, which all meet at the Cross, and lead to the four gates of the city.

brought the folly and madness of the poor people to such a height, Finlay actually gets together about 45 men, for that was the most of the great army he raised; and on the Friday following, this contemptible wretch having made himself their General, marches out of the city with them for Hamilton; they were armed with musquets and swords, such as they had taken out of the Magistrates houses; and (wherever he procured it, for every one knows he had it not of his own) he distributed to every man a dollar; and thus in arms against their native country, and the Protestant religion, these poor deluded people marched away, under the command of an abject scoundrel wretch, that openly professed himself a Jacobite, and that, with his good will, would have seen all the Presbyterians in Scotland ruined.

But to such a pass were things now come; and who can account for some critical junctures, in which men may be brought to ruin themselves with their own hands, and never suffer themselves to listen to the cautions of their friends?

The town, though rid of Finlay and his vanguard, enjoyed not the more peace, or were in less danger, for the mob that remained kept up their guard, threatened yet worse things than had been done, and were afterwards as good as their words to a tittle.

The Government, it may be supposed, were constantly acquainted with those things, and their forbearance had not a little heartened up the party that pushed these mischiefs on; however, being lothe to come to extremities, they tried gentler methods first, and the Lord High Commissioner having laid it before the Parliament, they immediately passed an act, discharging the mustering of the troops in the country during this session, and a Proclamation was published against tumults, and both these were sent to Glasgow to be published.

It should be noted here, that by the Act of Security, any of the nobility, gentry, or towns, might meet in arms, muster and exercise their fencible men, and the like, upon any occasion of which they were judges; which was done in order to make the militia of Scotland more serviceable, or, as some think, *in terrorem* to serve a cause; but be that as it will, it may remain undetermined; but at this juncture, the Parliament foresaw it might be a handle for the drawing together any number of men at such a time as this, and might be dangerous to the peace, wherefore they caused an act to be brought in to repeal that part of the Act of Security, for so long only as the present Parliament was sitting.

When this act of Parliament and Proclamation came to town, which was on the Monday after Finlay's march, the Magistrates assembled about ten in the morning, and caused the messenger that brought it to read it at the Cross; accordingly the messenger goes up to the * usual place, and read first the act of Parliament, the Magistrates were below, and the officers attending as usual, and a vast multitude of people were got together to hear what it was; before

* The head of the stone stairs on the outside of the Tolbooth, just fronting the Cross, the same mentioned before where the centinel stood.

the officer had done, the people began to make a noise, and throw stones at him; but however, the man went on, and read out the act, and began the Proclamation against tumults; but he had hardly read the title of the Proclamation, when the stones came so thick, there was no standing it, and the poor fellow, not a little bruised, was driven off the stairs.

Upon this the Magistrates ordered one of the town officers to go up and read, which he did as far as he could, but was in like manner driven off by the fury of the stoning. In the interim of this, the Magistrates had sent for the town-guard to protect the second officer in reading; the officer of the guard seeing the other officer abused thus before their faces, commands his men to fall upon the rabble with the clubs of their musquets, which they did, and knocked down some of them; but the tradesmen that were upon the guard, in the very action deserted, and refused to obey the command of their officers, which so encouraged the rabble, that they came on again with shouts and huzzas, and with volleys of stones they fell upon the few of the guard that were faithful, and drove them off from the street.

The officer that commanded them, retreated them into the guard-house, but this was not a place to be defended against such a multitude, so in short they broke in upon them and disarmed them, and well it was they came off without blood, some of them were very much bruised with stones.

The rabble, now flushed with victory, were in a terrible fury, and this was the most outrageous part of the whole transaction; having disarmed the guard, the next thing was to storm the Tolbooth, immediately they got ladders to the windows, and breaking in, they seized upon 250 halberts, which are the town's arms; with these upon their shoulders, in rank and file they roved about the streets, and made their rendezvous at the old castle, where their guard was kept; here they gave out, that in the afternoon, they would come down and plunder the merchants houses, nay, and threatened their lives too, which put the whole city in an unspeakable consternation.

Nor were they wanting in some part of their threatened execution, for about three in the afternoon they detached a party of about twenty men armed, some with musquets, some with halberts; these, with a drum before them, came to the Cross, and from thence took their march down the high streets, breaking open the doors and houses of whoever they pleased, pretending to search for arms, but stole and plundered whatever came in their way, and thus they continued till ten o'clock at night.

They got not above thirty musquets, with some pistols and swords, but the terror of the inhabitants is not to be expressed, who were obliged to bear this violence without complaint; this small party was followed by a vast throng of boys and idle fellows, like themselves, which increased the fright of the citizens.

Having thus ranged the city at pleasure till about ten o'clock at night, they marched away with the spoil of their masters up to their main guard, from
thence

thence they beat their tatoo round the town like a garrison; and indeed they were no less, for they had the city in their full possession, and every body's life and goods at their mercy.

Their rudeness in this pretended search for arms is not to be described, and had they met with any opposition, no doubt it would have been worse; they came into the rooms where persons that lay sick were just dying, and put all things into inexpressible confusion; they came into chambers, where women were lying in, and barbarously made them rise, pretending to search under their beds for arms. In short, except that there was no blood shed, they acted the exact part of an enraged ungoverned multitude.

But to return to their army of forty-five, which was all this while on its march, and were advanced as far as Kilsyth, on their way to Edinburgh.

The Government, who had an exact account of all these things, and who had tried all the gentle methods of proclamations, acts of Parliament, &c. finding to what height things were brought, and that nothing but force could remedy them, prepared to be before-hand with these forward gentlemen; and having an account both of their march and number, the Lord Commissioner ordered a detachment of dragoons, joined with some horse grenadiers of the guard, under the command of Colonel Campbell, uncle to the Duke of Argyle, to march with all expedition for Glasgow.

Finlay, in the mean time being at Kilsyth, has notice of the march of these dragoons, within a few hours after his arrival there; and hearing no news of the great parties of 5 and 6000, which he had persuaded his men would meet him there; and being alarmed at the news of the dragoons, he sends back — Campbell, another of the ring-leaders of his rabble, to bring up the second body which was to be ready to follow, and which were reported to be 400; but they thanked him, and staid at home; and with the rest he marched to Hamilton, where he arrived on Sunday about noon, the third day after his march from Glasgow.

Here he quartered his army that night, and finding, as before, none of the friends that were to assemble from all parts, nor no news of them, he bestowed a volley of curses upon them; and marches directly back to Glasgow, where he arrived, to the no small mortification of his fellows, on Wednesday, the next day but one after the plunderings I have related before; they had halted at Rugland, a Borough about two miles from Glasgow, where, as I suppose, they called a council of war among themselves; but, being all voters, they agreed upon nothing, but to march home, which accordingly they did; and in order of battle entered the city, and marched directly up to their main guard aforesaid: here they made, says my author, their rendezvous, having not thought fit to keep the field any longer.

And now they began to think a little, for I cannot allow myself to say they had done it before; their danger began now to show itself, and to stare in their faces

faces a little ; they began to consider what they had been doing with others, and what was now like to be doing with them ; they had no more protection from the act about mustering, and the proclamation began to work with them ; and now they did the only rational act of their whole management, and which indeed saved all their lives.

On Thursday morning, having maturely weighed their affairs, they resolved to separate, and lay down their arms, which accordingly they did very quietly and calmly, and carried their arms, not to the Magistrates, where they had them, but to the Deacons of their trades, who they knew were their friends.

How it came to pass, that Providence, whom they had so far provoked, inspired them with this prudence, so seasonably for their own safety, none, but that infinite Goodness, that punishes less than crimes deserve, can say ; 'tis most certain, they had no particular intelligence of the march of the Queen's troops, for the city itself knew nothing of them more than in general ; but it was not full two hours after they had separated, delivered their arms, and all was quiet, but the dragoons entered the town ; not a Magistrate, nor an inhabitant knew of them, till they saw them upon the street, to their no small satisfaction.

The whole party was about 220 men ; they had marched with great secrecy all night, and suffered no body to pass by them, to carry notice before of their coming ; when they came near the city, Colonel Campbell detached an advanced party of twenty-five dragoons, under the command of Lieutenant Pollock, who knew the town, and knew where Finlay lived, the whole body following at a small distance.

The Lieutenant entering the town, stopt, and alighted just at Finlay's door, and rushing immediately in with two or three dragoons, they find Finlay and one Montgomery, another of the knot, but famous for nothing that ever I heard of, but his being taken with him, sitting by the fire ; they seized them immediately, and by this time the whole body was entered the city, marched down to the Cross, and drew up there on the street, where they sat still upon their horses, it raining very hard all the time, which was about three hours.

The mob of the city were in no small consternation, as may well be supposed, at this appearance ; and several, whose guilt gave them ground to think of the gallows, made the best of their way out of the town ; there was no appearance of any rescue, and the dragoons commanded the people off of the street, and to keep their houses ; two fellows had the boldness to beat a drum in two several parts of the city, but the gentlemen they called for had more wit than to come, and the drummers, with very much difficulty, narrowly escaped being killed.

The dragoons having secured their prisoners, and mounted them on horseback, with their legs tied under the horses bellies, never so much as alighted or baited their horses, but marched away the same afternoon to Kilfyth.

As they were going away, they had some stones thrown at them from the tops of houses, and some that were straggling behind had like to have been

knocked

knocked off of their horses, but six or seven dragoons coming back, they were fetched off without hurt.

No sooner were they gone out of the town but the drums beat again in all the streets, and the rabble got together with all the rage and venom imaginable, and coming to the Magistrates, they told them in so many words, that they should send some of their number to Edinburgh immediately, for that if they had not their two men delivered to them, they would pull their houses down about their ears. Some have blamed the Magistrates for sending to Edinburgh; but if such would consider circumstances, how the dragoons were gone, they had an enraged mob to deal with, and no strength to defend themselves, it cannot but be thought the gentlemen were in the right to comply with the juncture of the time, and gratify rather than exasperate them, when they were absolutely in their power.

The Magistrates, however, according to the command of their masters the mob (for such at this time they were) sent away two of the Baillies of the town and some of the Deacons of trades went with them, but they soon came back again as wise as they went, having received a severe check from the Council by the mouth of the Lord Chancellor; and it was once within a little of their being committed to prison with the others.

Thus ended this petty war, being the only violence we meet with in the whole transaction. I had not been so large in the relation of so trifling an affair, but that it serves to clear up several other cases to the world, which otherwise there are several mistakes about.

1. And principally indeed for the sake of the city of Glasgow, a city which in all ages since the reformation, and in the very reformation itself, has been particularly famous for honesty, zeal, and bravery in a constant opposition to the enemies either of the religion or liberties of their country; a city eminent for the true and sincere profession of the reformed religion, and forward upon all occasions to spend their blood and treasure in defence of it; and as nothing can be more untrue than to suggest this tumult was the act and deed of the city of Glasgow, so to clear her of that scandal, I thought myself obliged to do her justice, by setting the case in its true light; nothing clears up the innocence of a person or party like bare matter of fact, and therefore I have impartially related this story just as I received it upon the spot from several of the principal inhabitants of the city, whose integrity in the relation I have no reason to question.

Nothing is more certain than that the tumult at Glasgow had its rise and beginning among the Jacobite party: in all the rabble and riots they were secured as they passed the streets, they were caressed by the mob, they huzza'd them to the work, their houses were never searched for arms, nor the least insult offered to their persons; the very leaders of the rabble were of their party, and indeed their friends mixed themselves with the rabbles on all occasions to prompt them to insult the citizens.

The rabblers themselves, on the other hand, were a sort of people ignorantly inflamed by this party, and unhappily set on fire by an accident which had its beginning rather in an ignorance of the plot of that party, than design to serve them in it.

But for the city of Glasgow, it is clear not a citizen of any note, not a Magistrate, not a merchant, not any thing that can be called denominating to a place, but what abhorred it, and as far as they durst opposed it; and I think it is hard they should first fall under the misfortune, and then under the scandal of it too; and for that reason I have been thus particular in the story.

Again, here may be seen a small sketch of the petitioners and addressers against the Union, and of their original, who they are that were moved, and who moved them; not a Papist, not a Jacobite, not a Prelatist in Scotland, but what declared themselves against the Union; and those honest men that unhappily approve them in that, may see what blessed company they were yoked with, which is a hint I cannot avoid leaving upon record for their instruction.

I should have told you that the Sunday after being the 15th of December, the dragoons returned to Glasgow, and instead of returning the two prisoners they had taken, carried away three more, and had directions for others, but it seems they were fled.

They went to Hamilton also, and seized two gentlemen and a lady who belonged to the Dukes —, and who, they said, Finlay accused; but both these, and all the rest, were, after the Union was finished, discharged without punishment; the merciful Government of her Majesty rather delighting to pity than to punish the follies of the poor deluded people; shewing them the difference between the legally established power, which they blindly opposed, and the past implacable and merciless tyranny which they as blindly espoused.

And thus happily ended the tumult at Glasgow, which put the honest people of both nations in no small apprehensions; and which, if the party had obtained their design in getting the poor people into arms in other places, might have been fatal enough.

Mean time the Queen was not unconcerned at these disorders, and troops were sent from England to the borders, to be ready to assist the Scotch forces, and to support the Government if there had been occasion, having orders given them to quarter in the most northerly towns of England, and to take their further orders from the Lord High Commissioner of Scotland, as there should be occasion. But the success of things beginning to change a little after these hurries, there was no occasion for them.

The Parliament was now entered upon the close debate of the articles, and the first and chief points being passed in the House, it was plain to every body that the House was resolved to go through the work; and it is no wonder if the last struggles of all the parties opposing it were now seen.

All the attempts to raise tumults, and to rabble the Parliament out of it, had proved abortive; and it was found impossible to bring the common people into any thing extraordinary, while few or none of the gentry thought fit to appear with them: all that had hitherto been done, was, by an underhand kind of management of the Jacobite party, as they called them; to see, if possible, they could push the Presbyterians, or the mere rabble of the common people, upon making some disturbance, that so they might pull down their enemies by the hands of one another, and see their work done for them. This was apparent from the manner of proceeding, which was, by dropping papers, and sending about private messages from no particular person, but as from their brethren in this or that shire; inviting, directing, and encouraging the people to meet and assemble; to furnish themselves with arms and ammunition; and naming the place and day where to meet and assemble, in order to march to Edinburgh; and to raise the Parliament, and prevent the ruin, such they then called the Union, of their country, and their being given up to the English.

They took all these courses to raise and excite the people; but still they found it ineffectual as to meetings and rendezvouses, except as you have seen; however, the Parliament took some notice of it; the Lord Commissioner laid it before them on the 29th of November, and they immediately caused a proclamation to be published, to prevent tumultuary and irregular convocations of the lieges. This was the same which was read in Glasgow at the time of the tumult as aforesaid, when the people stoned the messenger that read it, off from the head of the stairs of the town hall or tolbooth.

It had been considered, that there was a clause in the act of Security which impowered the people to meet, or convene in arms, under pretence of exercising the fencible men. The clause was as follows:

“ And for a farther security to this realm, Her Majesty, with advice and consent aforesaid, statutes and enacts, that the whole Protestant heretors, and all the burghs within the same, shall forthwith provide themselves with fire arms, for all the fencible men who are Protestants within their respective bounds, and those of the bore proportioned to a bullet of fourteen drop weight running; and the said heretors and burghs are hereby impowered and ordained to discipline and exercise their fencible men once in the month at least.”

Now the first rumours of country tumults had been pretended to be founded upon this clause; and, that under pretence of this exercising and disciplining the fencible men, any number of men might appear together in arms without breach of the law. This was indeed a wide gap in the public peace, at which there was room for a whole army to enter: for any of the gentry, nobility, or he-

retors, who were disaffected to the affair now in hand, under the protection of this clause, pretending only exercising and disciplining the fencible men, might assemble together, and keep together without any limitation of number or time, till they had formed a sufficient force, and then marched to the destruction of the Government, the laws, and all the defences of the public peace.

It was time now to stop this breach, and therefore an act was past in the House to repeal the above-said clause, so far forth as it extended to the meeting, mustering, and convening together of the people during the sitting of the Parliament: which act being a very plain evidence to the truth of what I am upon, I have added here, as being not long enough to interrupt the thread of this discourse.

“ Our Sovereign Lady considering, that, by the third act of the second session of this Parliament, intituled, ‘ Act for security of the kingdom,’ It is statute and enacted, that the whole Protestant heretors, and all the burghs within the same, shall forthwith provide themselves with fire arms for all the fencible men, who are Protestants, within their respective bounds; and the said heretors and burghs are thereby impowered and ordained to discipline and exercise their fencible men once in the month at least: and also considering, that the disorderly and seditious meetings and tumults in some places in the country, do make it necessary, at this occasion, to suspend the effect of the aforesaid clause during this session of Parliament allennarly; therefore Her Majesty, with the advice and consent of the estates of Parliament, doth hereby suspend the effect of the aforesaid clause, and that during this session of Parliament allennarly. And farther, Her Majesty, with advice and consent aforesaid, discharges and strictly prohibits the subjects of this kingdom, to meet and assemble together in arms, after the publication hereof, upon any pretence whatsoever, during the space aforesaid, without our Her Majesty’s special command, or express license had or obtained thereto. And requires and commands all the subjects of this kingdom, to retire to their own habitations and lawful employments; certifying such as shall do in the contrary, that they shall be liable to the pains of high treason, conform to the laws and acts of Parliament, made against unlawful convocations and rising in arms.”

This was a most effectual step to check the riots and tumults of the people, for, after this, no man of any consideration durst show himself: and finding the Government resolved to punish whoever should make any attempt of that nature, they began to give over the thought of taking arms.

Thus the affair without doors seemed to attend the debates of the Parliament; and all we meet from abroad, amounted to no more than addresses without num-

number from the towns and countries, and some from the presbyteries, against the Union, in the terms of the articles; with disputes about amendments to the several articles, as they came before them; the particular cases of which will come of course, in the observations on the minutes of Parliament.

Mean time it may be noted, the Parliament entered upon the debate of the articles, stating the duties, settling the equivalent that was to be paid to Scotland, in consideration of the English debts, proportioning the excise, &c.

This affair of the English debts has been such an occasion of clamour in Scotland, that I cannot but think it very necessary to give a state of it in short, as it lay before the Parliament.

The treaters in England, as has been noted in the observations on the minutes of the treaty in London, had been convinced of the necessity of having the customs and excises of Scotland, when they came to an union, run in the same channel with the excises and customs in England; and this, by consequence, engaged them in the same appropriations and incumbrances that the same duties in England were liable to.

This created an objection, viz. That Scotland was under no incumbrance of debt, at least none that those duties were appropriated to; and, therefore, to bring her into taxes of any sort, other than such as were to bear the burden of the war, was not consistent with the equalities of burdens, which were allowed to be the only foundation of an Union.

The equity of this was not to be withstood, and therefore the English Commissioners readily agreed, there was no reason the revenue of Scotland should be applied to the English debt without conditions. But, as the circumstances of the nations required an equality of taxes; and those taxes in Scotland must run in the channel of the taxes of the same kinds in England, the English must pay to Scotland an equivalent in money. This was settled by the treaty, as in the minutes appears at large.

Now the equivalent being determined, the Parliament was for a long while employed in debating what taxes, what customs, and what excises should be paid by Scotland. It is needless to enter upon the particular reasonings on the several heads as they were debated in the Parliament, since the minutes of the Parliament will particularly discuss those points; but it may be needful to note a little, the reasons of all those disputes.

I have often noted, that there was a party who were busy, not so much in arguing for regulating, as destroying the articles; that argued against the Union in general, not against the articles in particular: these having in vain struggled against the main articles of the treaty, such as union in general, succession, communication of trade, and the like, began now to labour at the particular heads: and first, they would have it, that Scotland should not pay

any of the customs or excises in use in England; but when convinced of the injustice of these pretences, they could no longer object against an equality of taxes, then they began new debates upon the circumstances of the said customs and excises, and pushed at all sorts of exemptions, inequalities of payments, restrictions and latitudes they could imagine, if possible to bring on some amendments upon the articles, which they knew would perplex the Union in the English Parliament; such were the liberty of exporting wool, the exemption from the duties on salt for ever, the reducing their ale to the excise of small beer in England, and the like; and this makes it appear, that I have not wronged them, in saying, that their design was at the Union in general.

It would be too much to enter upon the discourse here of the several objections against the equivalent, the taxes, the excises, &c. and innumerable cavils at the several duties on export or import. These things occupied the whole town, and all the people, as their several fancies and informers led them, spent the time in canvassing and disputing the articles of commerce, impost, &c. what could be paid, and what not.

Nor is it to be wondered that these debates were warm; for, as the prospect of tumult began to abate, the people took the more liberty in speech; and the Government being very backward to punish the exorbitances of the tongue, at a time when they were inviting all the people to unite, all the gall and ill-humour of the party vented itself at the mouth. This filled the country with innumerable raillery and reproach; all companies were divided; nay, even families, relations, and the nearest in affection, divided upon the subject.

The scruples of religion also revived now; and a great many finding the treaty was like to go on, began to set up their foundations for opposition, and revive the scruples of the union interfering with the national covenant; the danger of the church of Scotland, from the suffrages of the English bishops, &c.

All these things helped to raise heats among the people, and some went up to a strange height of jealousy and discontent; and what they could do, they did: as for tumults and rebellions, that time began to be over with them, but parties and feuds increased every day; and so they went on till the Parliament went through the whole treaty; and how they behaved then, will follow to be spoken to in its course.

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W I T H I N T H E
P A R L I A M E N T O F S C O T L A N D :
A S A L S O
So much of the Minutes of the said Parliament as contain Things necessary to
be known on the Account of the Treaty ;
W I T H S E V E R A L T H I N G S N O T P R I N T E D I N T H E S A I D M I N U T E S .
W i t h O B S E R V A T I O N S T H E R E O N .

M I N U T E I .

The Parliament met on the 3d of October, 1706.

HER Majesty's commission to His Grace James Duke of Queensberry, for representing her royal person in this session of Parliament, read by the Lord Clerk Register, and ordered to be recorded.

Her Majesty's gift and commission in favour of James Marquis of Montrose, to be President of her most honourable Privy Council, read, and ordered to be recorded.

The Earl of Abercorn swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Patent

Patent creating Lord Henry Scot Earl of Deloraine, read, and ordered to be recorded; whereupon he swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

The Viscount of Kilsyth swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Moved, That the Lord Banff, who was sometime Papist, being now Protestant, and willing to sign the *formula* subjoined to the act of Parliament in November 1700, “for preventing the growth of Popery,” may be admitted; and accordingly, he having taken and signed the *formula*, he therefore swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Petition Lady Mary Bruce, and William Cochran, younger, of Ochiltrie, her husband, for his interest, against admitting of Sir Alexander Bruce to sit in Parliament in the rank and dignity of Earl of Kincardin, read; Sir Alexander Bruce, in answer to the said petition, craved that the patent in favour of Earl Edward Bruce, of Kincardin, might be also read; which being accordingly read, after some debate upon the case, it was put to the vote, “Hear the parties farther upon the matter, or admit Sir Alexander,” and it was carried “Hear,” and the next *federunt* appointed for a hearing.

Her Majesty’s letter to the Parliament, presented by Her Majesty’s High Commissioner, was read first by the Lord Clerk Register, and therefore read again by one of the ordinary clerks.

Her Majesty’s High Commissioner made his speech to the Parliament; as also my Lord Chancellor made his speech.

And Her Majesty’s letter and the said speeches were ordered to be printed.

Articles of Union agreed on by the Commissioners nominated on behalf of the kingdom of Scotland, and the Commissioners nominated on behalf of the kingdom of England, presented and read, and ordered to be printed, and copies to be delivered to the members of Parliament.

Thereafter ordered, That the minutes of the proceedings of the Commissioners of both nations for the Treaty of Union be likewise printed.

Adjourned to Thursday, October 10, 1706.

OBSERVATION I.

It might be noticed here, that several gentlemen took the Oath of Parliament, who had not done the same before; I observe it, because it was said, that some did so particularly to qualify themselves to be serviceable in this cause, to the respective interests they espoused: I do not say it was so; nor do I care to distinguish persons so much, as to put any mark upon names from common fame; every one is to judge of that as they think fit.

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The party against the Union finding the articles, as they were concluded at London, were concealed, or, at least, not made public, gave out in Scotland, that the Scots Commissioners having had it in their power to obtain most advantageous conditions from England, but having been brought basely to submit to the arbitrary designs of some leading men employed in the treaty in England, they had been very superficial in their demands, and therefore durst not publish their proceedings till the Parliament of Scotland met, and then the whole treaty would be rejected, which would be agreeable to others of the Commissioners of both nations. This groundless opinion being diffused, and believed by many of their party of best sense, made them easy and inactive, till too late they perceived the Queen, her Ministers, and all persons concerned in adjusting that treaty, to be in earnest; and then they turned the same notion to another use, viz. to calumniate and reproach the Commissioners.

The printing the articles also, which the opposers of the Union afterwards boasted of as their act and deed, was introduced against their design; for, at the private meetings of those against the Union, the question was, how to delay the printing of the articles, or any thing else, whereby to gain time, till the Parliament of England should meet, which was then prorogued to the twenty-third of October; so that both Parliaments sitting together, they expected to confound the measures for carrying on the treaty by mutual proposals, doubts, &c. But this project of declaring the printing of the articles was prevented; for the articles being presented and read, after a long silence in the House, Mr. Seton, of Pitmedden, rose up, and told the Lord Chancellor that he found himself obliged to propose the printing the articles, which had been read in the House, to the end the curiosity and judgement of all sorts of people might be satisfied, and that the not printing might be no argument, in time coming, for a delay to the ratifying of the treaty. Which proposal was resumed by the Lord Chancellor; and no member opposing or seconding it, he looked upon it as acquiesced to, and ordered the articles to be printed.

Nota, The minutes of the treaty at London, and the articles agreed on there, should have been inserted here; but they are already brought in at large, and need not be repeated. The speech of the Lord Commissioners also, and the Lord Chancellor, together with the Queen's letter, are inserted in the part immediately proceeding this, to which I refer; and therefore, and to avoid repetition, they are left out here, though they properly belong to this day's minute.

Thursday,

M I N U T E II.

Thursday, October 10, 1706.

The Earl of Sutherland protested against the calling any Earl before him in the rolls of Parliament.

Alexander Abercrombie, of Glaffoch, Commissioner for the shire of Banff, in place of Alexander Duff, of Bracco, deceased, swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Act for settling the orders of the Parliament House read, and copies thereof ordained to be fixed on the doors, and other places, according to custom.

The case Lady Mary Bruce and her husband, for his interest, against Sir Alexander Bruce, of Broomhall, called, and their procurators being heard, and the Parliament having considered the debate, it was put to the vote, "Admit Sir Alexander Bruce, or no;" and carried "admit:" (reserving to Lady Mary Bruce and her husband, for his interest, their right and declarator before the Lords of Session, as accords.) And he did take his place as Earl of Kincardin accordingly, swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Adjourned till Saturday next at ten o'clock.

O B S E R V A T I O N II.

The Earls of Sutherland and Crawford, in the process of this protest against each other for precedency, produced the noblest documents for the antiquity of their families, such as very few families in the world can imitate.

M I N U T E III.

Saturday, October 12, 1706.

The Lord Oliphant swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Moved, That the articles of Union, agreed on by the Commissioners nominated on behalf of the kingdom of Scotland and England, be read again; and also moved, That the minutes of the proceedings of the Commissioners be likewise read; and after some reasoning, it was agreed, that the said articles of Union should be read; and ordered, that all records relating to former treaties, betwixt the two kingdoms, be laid on the table, and in the intervals of Parliament they be to be seen in the Laigh Parliament House, where some of my Lord Registers servants are to attend.

And the articles of Union being accordingly again read, it was agreed, that the Parliament should proceed to the consideration of the said articles of Union the next *federunt*.

Adjourned till Tuesday next at ten o'clock.

OBSERVATION III.

Great opposition was made in Parliament this day, against reading the articles; and several arguments brought by the gentlemen on that side for delays; among which this was one, and this the first time it was started in the house, viz. The consulting principals or constituents; and some gentlemen went so far as to acknowledge, the power of a member of Parliament was limited by their constituents; and that the Parliament could not lawfully debate, much less determine an affair of such a nature as this, viz. Of destroying the constitution, without, as aforesaid, consulting and obtaining the consent of their constituents.

It was replied that,

First, This was not destroying the constitution.

Secondly, The Parliament was particularly called by Her Majesty, for this end; and the work expressed in the proclamation for their election; and that therefore they were particularly elected by their constituents for this work, and thereby impowered to debate and conclude it without farther powers.

Thirdly, Others argued the positive, and affirmed the Parliament had full power to act on this matter, though there had been no such expression in the proclamation.

The debate was long and warm enough, and began to inform us what was to be expected; but on the whole it was carried to read the articles, by a great majority; the other being taken as an attempt to gain time.

A proposal was made this day for a general fast, which occasioned some debates, but was adjourned.

And here it was very publicly observed, from what hands the motion of a fast came: some maliciously enough, though merrily, noted, that the motion of a fast came first from those, who were very rarely observed either to fast or pray, and that now began to talk so religiously, that it was taken for a mere banter.

On the other hand, it was observed, that the most sober and religious members, both of the nobility and gentry, opposed this motion in the House; but the reason was evident.

The great project just then carrying on in the kingdom, was to amuse the people, possess them with fears of some strange thing then transacting,

and of impending dangers dreadful to the kingdom, and which they had no remedy to prevent, but, as in great distress, to fly to their prayers, as mariners in a storm. This they thought would of course be made the more terrible by the ministers in general exciting the people to extraordinary humiliations, which, whether ill designed or no, might be ill enough improved, and the people thereby made the more uneasy.

Perhaps, also, they might hope for some indiscretion and undue warmth in the pulpit, especially from some men, which they were willing to think they could influence to so much weakness: but in this also they were disappointed,

For the same reasons, those gentlemen who were of the most religious conversation, and known to be well affected to the church, and to any thing that had but an aspect of sincere piety, were nevertheless against this fast, as unseasonable and dangerous, and as a thing they foresaw was designed particularly to make the people uneasy with these prospects. The debate was urged warmly enough on both sides, but at last was adjourned; and so the designed fast was put off for the present, though it was afterwards introduced piecemeal, and all the use made of it that could be to raise the spirits of the people, if possible, to the disorders aimed at, as we shall see in the sequel of this history.

M I N U T E IV.

Tuesday, October 15, 1706.

Warrant granted to the barons and freeholders of the shire of Fife, to meet on Tuesday the 29th instant, to elect a commissioner in place of Sir Archibald Hope, of Rankeillor, deceased.

Moved, “That according to the last minutes, the Parliament should now proceed to the consideration of the articles of the Union.”

Moved, “That the members of Parliament may yet be allowed eight days farther to consider more deliberately the articles and minutes;” and, after some reasoning, it was put to the vote, “proceed presently to the consideration of the articles of Union”, or “continue the consideration thereof till the first *federunt* next week,” and it carried, “proceed.”

Whereupon the first article of Union was read, as also the minutes of the proceedings of the Commissioners for the treaty relative thereto, and Her Majesty’s commission to the Commissioners for the treaty on behalf of this kingdom, were likewise read; and after some reasoning and discoursing thereupon, the farther consideration thereof was delayed till the next *federunt* of Parliament.

Adjourned till Thursday next at ten o’clock.

OBSER-

OBSERVATION IV.

Here, the gentlemen who appeared against the Union, finding they could not carry the point, as debated the last day, moved for a delay of but eight days ; and several arguments were offered, to obtain so short a delay.

But in this they lost several of those who voted with them before, and who seeing the vote of consulting constituents rejected, could not be convinced of the advantage of eight days delay ; and this made it seem more particularly a design only to delay.

Whereupon the question being put, it was carried by a great majority ; and this was the first trial of the strength of the parties, and the first encouraging proof that the Union would go on : The majority on this vote was sixty-four ; but the names having not yet been ordered to be made public, it was not known who were on one side or the other.

Before this vote was put, it was also debated, whether this reading of the articles should be in order to proceed upon them to a vote. And here again the gentlemen had their turn of advantage : nor was there any great opposition ; for those who were for the Union, were yet willing to have it fully debated, and all things for its better explanation understood, and were content to have it as thoroughly examined as they pleased, and therefore gave their votes freely for a general reading.

The other gentlemen, who were only pushing at delays, and striving to gain time, thought they gained a great point in this ; and therefore, with all their interest they pushed at a general reading only, which was presently agreed to, viz. “ That the articles should be read and discoursed of in this Parliament, but that none of them should be voted, till all was read over and considered.”

Upon the above debate, and concluding only to read and discourse, the first article of the treaty was read publicly ; but the reading of the communications and minutes taking up a great deal of time, there was not much discourse in the house at that time ; for the great affair now in agitation was, to stir up the people without doors, and bring them, either by clamour, tumult, or tumultuous addresses, to declare a general dislike both of the Union in general, and of the Articles in particular ; and at this time they began to threaten from without doors.

The streets and doors were exceedingly thronged this day in expectation of the event, the people expecting ignorantly to hear whether the first article was voted and approved, or rejected ; and when somebody came out

and said unwarily the first article was not voted, it ran through the town, that it was rejected; and the mob, who appeared now to be managed by some gentlemen, began to shout, and people apprehended the Union had been voted against in the general; but they were discovered too soon by this; and it was presently understood, that the article was only discoursed of, and the discourse adjourned too.

The next day the minutes being printed, the minds of the people were a little cooled, when they saw the House went on so deliberately, and that nothing was to be voted till all the articles were read over and considered.

MINUTE V.

Thursday, October 17, 1706.

Address of the Commission of the late general assembly of the church of this kingdom, for establishing and confirming the true Protestant religion, and government of the church, as by law established therein, read; and thereupon the Parliament declared, that, before concluding the Union, they would take the said address to their consideration, and would do every thing necessary for securing the true Protestant religion and church government, presently by law established in this kingdom.

Dispensation granted to inferior Courts to sit, notwithstanding of the sitting of the Parliament.

The Parliament proceeded to the farther consideration of the articles of Union, and the second article thereof was read; as also the minutes of the treaty relative thereto; and the act of the Parliament of England, in the first year of the reign of Their late Majesties King William and Queen Mary, intitled, “An Act declaring the rights and privileges of the subjects, and settling the succession of the Crown,” were likewise read, and were thereafter reasoned and discoursed upon.

The third article read.

And thereafter the fourth, fifth, sixth, seventh, and eighth articles were all severally read, with the minutes relative thereto, and were all reasoned and discoursed upon.

Adjourned till Saturday next at ten o'clock.

OBSERVATION V.

The Commission of the General Assembly having sat from the 9th instant, had been in several warm debates about the matter, in what manner they should behave themselves in this juncture: Some hot gentlemen had given them

them disturbance enough about the matter of the fast, and without doors it was reported, they would protest against the Union.

But the generality being governed by more temper and moderation than some people hoped for, all things went on there peaceably, I mean, as to their public resolutions; and the address to the Parliament was conceived in as moderate terms as could be expected, and is at large printed in the Appendix, N. B*.

The answer to it was also satisfactory enough; in that they declared, they would go upon the address, before any thing was concluded; it was, however, warmly pressed in the Parliament, That the said address should be immediately entered upon, before they went on upon the Union; but this, as another advantage designed for delay, was checked, and the answer in the minute agreed upon.

Great pains was taken also at this time, to make the Commission of the Assembly uneasy at this answer, as not satisfactory; jealousies were fomented, and suggestions whispered about from one to another, as if the Parliament designed to postpone the affairs of the Church to the last, and so perhaps drop them at once: This obtained but too much, and being put forward by warm and uneasy people, grew higher and higher, and helped on the inflammations which unhappily followed.

The subject of the first article, though not named in the minutes, was also re-assumed in the discourses of this day, and several arguments against the Union itself, as an incorporating Union, were brought, in order to prove it impracticable, inconvenient, and disadvantageous to Scotland; and therefore that they ought rather to proceed upon the consideration of the general, before they went on to the particular articles.

This, however, was only discoursed, and the reading the several articles having been already approved, they proceeded to the reading the rest of the articles, as in the minutes.

In the reading the second article, the English act of Parliament for limiting the succession, &c. was discoursed on, and much was said about the English limitations; and some people that had been of another mind formerly, seemed to discover an inclination of coming into the succession with limitations, and began to enter into the matter of limitations; but this being remote to the work, was dropt for the present, and we shall meet with it again in its place.

The third article also relating to uniting the Parliaments of both kingdoms was read, and some took the liberty to jest with it as a chimerical calculation, and that they had no power to alter the representative of the nation

nation, that Scotland could not consent to be governed by any other representative, than they were now; and that, if the Parliaments were to be made one, Scotland's whole Parliament ought to be joined to the English Parliament, and that Scotland ought no more to abridge her representative than England, and the like.

But the unreasonableness of this was urged from the disparity, in extent of the country, number of people, and proportion of taxes, of which hereafter.

The five ensuing articles being all upon privileges of trade, excises, and customs, the discourses were very general on both sides, and those things seemed referred to more debates afterwards. All that was said of those things now, seemed rather to tend, if possible, to persuade the people in general, that the Union was impracticable, that Scotland could not come into the taxes, and that the equalities talked of, would ruin their trade and starve their poor.

Without doors, strange use was made of these articles of taxes, and the people were made to believe, their salt, their malt, their beer, their fish, would all be loaded with insupportable taxes, and their whole trade should be ruined, their houses plundered for taxes, and their people starved; and no man that shall see with what frightful apprehensions the poor people were possessed, will any more wonder they were so easily brought into tumults and disorders.

Nota, This day there were strong rumours about the town, of the mob coming up to the Parliament, to demand, that the crown and scepter of Scotland should not be given up, and carried away to England.

This was the effect of some popular speeches let fall by those gentlemen who opposed the treaty, and industriously spread about the town a report, that the sovereignty of Scotland was to be subjected to the English; and the poorer sort that understood less, had the same thing in other words, viz. that the crown of Scotland was betrayed; that it was to be carried to England, and never to be seen here more. Of which see at large in its place.

The House, however, took no notice of this yet, as being a rumour only, though the members were not without apprehensions, that it might rise to a greater height; and that they might come to be insulted, even in the House, as indeed was afterwards very probable.

M I N U T E VI.

Saturday, October 19, 1706.

Minutes of the last *sederunt* read.

The Parliament proceeded to the farther consideration of the articles of Union, and the ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth articles, were all severally read, with the minutes of treaty relating thereto, and all discoursed on.

The fifteenth article of Union was likewise twice read, and discoursed and reasoned on; as also the minutes relative thereto: and after some reasoning thereon, there arose a debate about the calculation of the equivalent of three hundred ninety-eight thousand eighty-five pounds ten shillings therein mentioned, which was adjourned till the next *sederunt* of Parliament.

Adjourned till Tuesday next at ten o'clock.

O B S E R V A T I O N VI.

The calculations of the ninth article were a little examined, but appeared so just, and the equalities so well stated, that there was no room to object; for the cefs being but the same upon Scotland as before, there could nothing be said why they should not go into measures for carrying on any joint expence, which, in time to come, the united body should see cause to put the whole to.

And this was the first visible explication of the doctrine of equalities, and a proof that equalities consisted in proportions; of which, more hereafter. Some people, to serve the designs now on foot, had made the ignorant people believe, that, by equalities, would be understood a numerical equality, and that Scotland should pay in every thing just as the English did. This did therefore a little serve to open the eyes of considering people, and let them see, that the treaty had been founded upon something of justice; for by this time it had been represented as a strange many-headed monster, that had nothing but mouths and teeth, and unfathomable gulphs to devour and destroy the people.

The five articles between the ninth and fifteenth required little debate, since they consisted only of negatives, and provision made for Scotland against payment of any of the duties then levied in England by the stamp-office tax, glass-window tax, and the several duties on coals and malt; together with exemption from any of the proportions of cefs as above for the first year: only, from these articles, some gentlemen took occasion to remind them of the ne-

cessary care taken by the treaters, to exempt Scotland in all cases from such burdens as they found them unable to bear, and which absolute necessity did not oblige them to subject her to, and in such cases to receive equivalents for whatever they were obliged to come into by the necessity of trade.

But the ferment was now grown high, and these discourses had little signification, the people being unhappily prepossessed beyond the power of conviction.

The fourteenth article occasioned long discourses, both within doors and without, and a great many ill-natured things were said on both sides; the matter of an equivalent had not yet been examined much into, and the reason, nature, and necessity of it, had gone but a very little way into the understandings even of the gentlemen themselves. The treaters also here met with some indecencies; and the reflections made on them, had such an effect in public, as had they not met with some check, might have been personally mischievous to them, as to the part acted abroad—see folio 236 of the next precedent part. Within doors they met with some very unkind reproaches, as if they had not made due provisions for their country's necessities, had consented to intolerable and unjust burdens, and had mocked them with the notion of an equivalent, which did not lessen the burdens upon the nation, their payment being to be levied where it could not be paid; and then repaid again where it was not levied.

To make good these charges, they pretended to make calculations upon the proportions of the said equivalent; and some, indeed, brought in their own rough draughts of disproportions; whereupon it was moved, That the House should enter upon more exact calculations, and examine the matters of fact. Of which see the next minute.

MINUTE VII.

Tuesday, October 22, 1706.

The debate anent the calculation of the equivalent of three hundred ninety-eight thousand eighty-five pounds ten shillings, mentioned in the fifteenth article of Union, resumed; and after some time spent thereupon, it was agreed to nominate a committee of three persons of each state to proceed and examine the calculation of the said three hundred ninety-eight thousand eighty-five pounds ten shillings, and to report to the Parliament, and the next *sederunt* of Parliament appointed for nominating the said committee.

Thereafter several paragraphs of the said fifteenth article were again read, and further reasoned and discoursed on.

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The sixteenth and seventeenth articles were also read, and the minutes relative thereto, and were reasoned upon.

The eighteenth article and the minutes relative thereto were likewise read, and after some discourse and reasoning thereon, the farther consideration of the said article was delayed till next *sederunt* of Parliament.

Adjourned till Wednesday, October 23, 1706.

OBSERVATION VII.

The debate of the equivalent grew higher this day than before, and the fifteenth article was the subject of a great deal of ill-natured discourse in the House; from without there was a very terrible clamour, and the humours of the people being brought, as it were, to a pitch, but too much appeared to correspond with something visible within doors. Several very unkind reflections were made upon the treaters, not upon their judgements only, but upon their integrity, as if they had been less just to their country than consisted with the trust reposed in them.

The gentlemen on the other hand defended themselves as calmly as they could, and endeavoured to clear up the objections made to the justice of their proceedings, offered to examine the calculations, and answer any thing that could be objected. But the House grew too much out of temper to talk much of it then; and the prudence of the High Commissioner, in order to calm things, and keep them as easy as possible, prevented its running higher at that time. The former proposal was re-assumed, viz. To refer it to the examination of a Committee; and the House was moved to name the Committee.

Upon this motion it was again moved, That none of the treaters should be capable of being named to the said Committee. This, though it looked as if the Committee were to be a jury upon the treaters to examine their conduct, yet the gentlemen unanimously agreed to; and the choosing a Committee was approved, who went through the calculations, and gave in such exact accounts of things, as abundantly cleared up the reputation of the Commissioners.

It was also moved, that, to assist the said Committee, two very able accountants, or arithmeticians, should be found to examine the calculations; one of which was Dr. James Gregory, professor of the mathematics in the college of Edinburgh; the other was Dr. Thomas Bowar, professor of the mathematics in the college of Aberdeen.

The sixteenth and seventeenth articles about the coin, and about weights measures, occasioned little or no debate.

The eighteenth article had indeed some discourse upon it, as what should or should not be alterable by the Parliament of Great Britain; and some gentlemen were for establishing all the present laws without alteration; a thing no nation in the world practises; since circumstances of nations altering, may always make it necessary to alter, amend, renew, or repeal the laws and usages of a nation.

And the distinction in the article itself was such as few could object to, viz. “That no alteration should be made in the laws respecting private rights, except for the evident utility of the subject within Scotland.” This, therefore, seemed to explain the true meaning of the article in that point; yet the other part of the article about the laws of public right, policy, and civil government, being made the same throughout the whole united kingdom. This occasioned long discourses, and held the House so late, that they thought fit to adjourn it till the next *sederunt*.

M I N U T E VIII.

Wednesday, October 23, 1706.

The Parliament, conform to the minute of the last *sederunt*, proceeded to elect the Committee for examination of the calculation of the equivalent of three hundred ninety-eight thousand eighty-five pounds ten shillings; and the three estates separated to their usual places, returned and reported their respective elections, and the list of the Committee is as follows: Of the nobility, the Marquis of Montrose, Lord President of the Privy Council; the Duke of Argyle; and the Marquis of Tweeddale. Of the Commissioners for Shires, Sir Alexander Campbell, of Cessnock; George Baillie, of Jerviswood; and John Hadden, of Glenagies. Of the Commissioners for Burghs, Robert Inglis, Lieutenant Colonel John Areskine, and Hugh Montgomery; and the Committee was appointed to meet in the inner session house the first interval day of Parliament, at ten o'clock in the forenoon.

Thereafter the eighteenth article of Union was again read; and upon reasoning thereon, it was moved, that the English laws concerning regulation of trade, customs, and such excises, to which this kingdom, by virtue of the treaty, is to be liable, be printed for information. Moved likewise, that it be remitted to a Committee to consider the several branches of our trade as to export and import, with the English laws and book of rates in relation thereto, with the customs and excises thereof, for the satisfaction of the members of Parliament thereanent, and to cause print such of the acts of the English Parliament concerning the same as they find expedient, or to report to the Parliament;

liament; and after some debate on these motions, the farther consideration thereof was delayed till the next *federunt* of Parliament.

Adjourned till Friday October 25, 1706.

OBSERVATION VIII.

This was the fatal day of the tumult in the streets, and the House was no less warm within, proportionably speaking, than the gentlemen were without; all which had its share in agitating the public confusions. I am far from saying, that the arguments used within doors occasioned the rabbles; but the improvement a party without doors made of them, and the manner in which things now said in the Parliament were represented without, concurred to increase the ferment of the nation.

The discourses on the eighteenth article were now carried on with great warmth: many long speeches were made this day, too long to be set down here, but tending all to this; that Scotland ought not to subject themselves to duties of any sort, before it should be known what such duties were; that no laws of customs or excises should take place, and that it could not be proper to allow the several laws of excise or customs in England, till it was first calculated and agreed what customs and excises Scotland was to pay. Then the discourses on the paying equalities of taxes being re-assumed, some took occasion to make reflections again on the treaters, for subjecting their country to taxes, which first they alledged they did not understand, and secondly they were not able to pay.

The reproaches cast upon the treaters, the ill behaviour of some members, and the indecencies shown in these cases, were so universal, that even Her Majesty's High Commissioner did not escape, but was very ill used; which, nevertheless his Grace with a great deal of temper suffered, without any disorder, preferring the public peace to all his private resentments; and by this prudence, prevented those who desired to have things exasperated, and hoped to see the resentment of the Government run up first, that they might have something to pretend for the irregularities which followed.

It may also be observed here, that the printing the English laws, books of rates, excises, and customs, which it was very certain would not be understood here, and from which a thousand false suggestions would every day be raised, whence few people could answer, was a design calculated for a great many ends, which were to be answered in the future proceedings, and of which we shall hear more hereafter.

A Committee was nominated also for this work, and thousands of difficulties were continually raised in the mouths of the people, to expose the treaty, and exasperate the people; such as, that the tax upon salt was intolerable, and that it would destroy the fishery; and the poor were represented to subsist so much upon salt, as if it had been one of the greatest parts of their food.

The excise on beer, ale, &c. was represented as insupportable, and great pains were taken to prove, that the English paid 4s. 9d. per barrel upon their table beer, and that the Scots small ale must pay equal excise to the English strong beer: and this was publicly printed in the streets on purpose to enrage the people.

It was in vain to offer calculations on those heads; and, though it was, by the author of this work, proved by direct and positive demonstration, that the excise of their ale could, in proportion, pay no more than it did now, even by the calculation of the English excises; and that the expence of salt in any house in the kingdom, could not rise to above 20d. per head per annum; yet it was in vain; all calculations of this sort were ridiculed and exposed as false and partial, and the author maltreated in print for his essays on those things, as an enemy to the country; and in order to expose him to the fury of the rabble, which had particularly marked out for destruction, in the general commotions which followed.

But all these calculations appeared afterwards to be right, as in their place will more particularly appear.

However, the whole debate of this day could not bring them over the eighteenth article, the farther discourse of which was, as per the minute, adjourned; and what interrupted it farther, you will see in the next day's work.

The salt was an argument people stuck very close to, and strove to make it popular; for the poor seemed to be concerned in it, and those that espoused it, whatever their ends were in espousing it, they always made the relief and ease of the poor the main argument. This was taking and engaging with the common people; and as much use was made of it as if the salt had been a principal part of their food, and the duty so great, that the poor must have been starved if they had paid it. The debate, however, had this effect, that it brought the Parliament to enter into the consideration of amendments and exemptions, which they particularly settled in this affair, and which the Parliament of England easily came into, as will appear in its place.

MINUTE

M I N U T E IX.

Friday, October 25, 1706.

The Lord High Chancellor represented to the Parliament, That he was directed by the Lords of Her Majesty's Privy Council, to acquaint the Parliament, that upon occasion of a rabble and tumult that happened in Edinburgh upon Wednesday night last, by which several members of Parliament were threatened and insulted; the Privy Council had, for the security of the members of Parliament, and peace of the town, brought in a part of the foot guards to the town of Edinburgh, and had issued forth a proclamation against such tumultuary meetings, in the terms of several acts of Parliament.

Whereupon, and after some reasoning, a proposition was made in thir terms, That the estates of Parliament being sensible of the care and concern of the Lords of Privy Council to suppress the late tumult and mob, and to secure the safety and quiet of the Parliament, that therefore they should return to their Lordships the thanks of the Parliament; and should recommend to my Lord High Commissioner and the Privy Council, to continue their care for the safety and security of the Parliament, and the peace and quiet of the town: which being read,

After some discourse thereupon, it was moved, That the proclamation of Privy Council should be read; and the same being accordingly read, the Earl of Errol, Lord High Constable, gave in a protestation, in the following terms; "That he, for himself, and in name of such as should adhere to his protestation, protested, that the continuing of standing forces within the town of Edinburgh, and keeping guard with them in the Parliament Clofs, and other places within the town, the time of Parliament (as at present is done) is contrary to the right of his office as High Constable; by which he has the only privilege of guarding the Parliament without doors, as the Earl of Marischal has within doors, and is an encroachment on the rights and privileges of Parliament, and on the particular rights and privileges of the town of Edinburgh; and if any vote shall pass contrair to his said right, or the right of the Earl Marischal, or rights and privileges of Parliament, or the town of Edinburgh, that it shall not in any time hereafter prejudice the same, or be any ways drawn in consequence." And he desired the said protestation to be inserted in the minutes, and recorded in the books of Parliament: which protestation being read, the said Earl of Errol did take instruments thereupon; and the Duke of Hamilton, Duke of Athol, Marquis of Annandale, Earl Marischal, Earl of Wigton, Earl of Strathmore, Earl of Selkirk,

Selkirk, Earl of Kincardin, Viscount of Stormont, Viscount of Killyth, the Lord Semple, the Lord Oliphant, the Lord Balmerinoch, the Lord Blantyre, the Lord Bargany, the Lord Beilhaven, the Lord Colvil, and the Lord Kinnaird; George Lockhart, of Carnwarth; Sir James Foulis, of Collington; Andrew Fletcher, of Saltoun; John Brisban, of Bishoptoun; Mr. William Cochran, of Kilmaronock; John Steuart, of Kinwhinlick; John Grahame, of Killearn; James Grahame, of Bucklyvie; Robert Rollo, of Powhouse, Sir Patrick Murray, of Auchtertyre; John Murray, of Strowan; Sir Thomas Burnet, of Leys; Alexander Gordon, of Pitlurg; James Moore, of Stonie-wood; Mr. Patrick Lyon, of Auchterhouse; David Grahame, of Fintry; James Ogilvie, younger, of Boyn; Alexander McGie, of Palgown; Mr. James Dumbar, younger, of Hemprigs; George Mackenzie, of Inchcoulter; Alexander Robertson, Alexander Edgar, Alexander Duff, Francis Mollison, Robert Kellie, Mr. William Sutherland, Archibald Shiells, Mr. John Lyon, Mr. John Caruthers, George Home, Mr. James Bethun, John Bayne, and Mr. Robert Frazer, adhered thereto.

And after some farther debate upon the said proposition, a vote was stated, “approve thereof or not;” but it being objected, that the same consisted of two distinct articles, the one approving what was done, and the other recommending to the Privy Council to continue their care, which ought to be separately considered and voted; the vote was thereupon stated, whether the proposition should be voted jointly or separately.

But before voting, upon a motion made by the Commissioners for the town of Edinburgh, it was agreed to, That it should be but prejudice of the said town of Edinburgh’s rights and privileges by their charters.

Then the vote was put jointly or separately, and it carried “jointly.”

Thereafter the vote was put “approve of the proposition or not,” and it carried, “approve.”

A Journal to Monday, October 28, 1706.

OBSERVATION IX.

This whole day was a mere interruption to the reading of the articles, and the House was employed wholly on the affair of the rabbles.

The Lord Commissioner having found the increase of the mob come to such a degree, as that the whole city was in danger, and indeed the whole constitution would otherwise have been exposed, His Grace ordered the guards to enter the city about one of the clock in the morning, to assist the magistrates; by which means the tumult was appeased, and the rabble dispersed;

perfed: fome of the rioters had been feized and fecured, and the foldiers kept poft in the city all that night, the enfuing day and the night, and part of this day, without being relieved, though the weather was exceeding cold.

The Council had the day before ratified what the Lord Commiffioner had done, and it was not doubted but the Parliament would do the fame; the abfolute neceffity of fuch a proceeding being, as was thought, enough to fatisfy any body who was not for having the civil authority fubjected to the infolence of the rabble.

But people were ftrangely furprifed when they faw this ftrenuoufly opposed in the Parliament; and had it not been carried by a majority in the Houfe, the confequences muft have terminated in a fecond rabble, more fatal and furious than the firft.

The Marquis of A——le was the firft man who made objection againft it; and pleaded, that it was an encroachment upon the liberty of Parliament, and taking away their freedom of fpeech. That it was awing the Houfe with foldiers, and bringing upon them arbitrary government; and feveral fpeeches were made to this purpofe, in which one noble perfon faid, he could perceive the difference already in the votes of the Houfe, and that the influence of the foldiers had altered the matter.

These were hard fayings indeed; and it was thought a hard point that people fhould call the being fubjected to an ungoverned rabble, liberty of Parliament; and the clamours of the mob, freedom of fpeech. It was plain, if the guards were not brought up, the members of Parliament would be awed, and the traiters maffacred by the mob: and to place guards to fupprefs tumults, and reftrein the headftong multitude, was very far from awing the Parliament; it being alfo apparent that this guard was entirely fubordinate to the commands of the Parliament, and were placed to maintain, not infringe the liberty of fpeech they fpoke of. That no man could be influenced by men fet only to keep the peace, and difperfe rabbles; and in a cafe when it was apparent to all the world, the neceffity was fuch, that, unlefs thofe rabbles were fuppreffed, the Parliament could not fit at all, nor the bufinefs they were afsembled for, be debated.

The opposers, however, maintained the difpute a long time; but when they came to the queftion, it was apparent, a great many of their friends in other cafes, yet were fo convinced of the neceffity of this, that they voted againft them; and fo the aétings of the Lord Commiffioner, and alfo of the Council, were approved, and the thanks of the Houfe ordered, as in the vote.

The-

The protesters are named in the minute, as above; and this, I think, was the first protest made in Parliament upon the affair of the Union.

This debate, of course, put off the farther consideration of the eighteenth article of the Union, which was the work of the day.

There was great struggling in the House, on pretence of the infringing the privileges of the city of Edinburgh; but the magistrates having declared themselves satisfied in the necessity of the case, and the impossibility of keeping the peace without this method, that debate was also couched in the protest, as above, and every body acquiesced. The guards continued in their posts, and the respective regiments relieved one another with beat of drum, as is usual, but the effect was only keeping the peace. No violence was offered to the Parliament, neither were any soldiers placed at the door to awe the members, much less was any denied entrance, or any other person access to them, as on other occasions: but the Parliament was perfectly free, open, and uninterrupted, the soldiers were a guard to them, but not a guard against them; and it was not in the power of any person to say he received the least affront from them. Indeed the soldiers appeared wholly unconcerned in any part of the affair, they only executed the office of a guard to preserve the peace, and keep the Government from being insulted.

And in this peaceable behaviour of the soldiery consisted a great deal of the success of the treaty; for this took away all pretence from a party of men, who aimed at, and sought for some such irregularity to complain of, in order to have protested against the Parliament, as under restraint, and so having a legal objection against the proceedings, as not acted in a free Parliament.

This was a disappointment to a certain great person, who proposed a protest against this very thing, as an act of violence, and so leaving the House as a body, pretending they were under the power of the army. But the soldiers being so ordered, as to behave themselves quietly, and only taking post as a guard to the city, to preserve the public peace, the doors of Parliament being always free and uninterrupted, those people were defeated; and even their own friends, whom they proposed it to, refused them, acknowledging they could not sustain the allegation.

I think it is very necessary to be particular in this case, because I know great clamours were made, as well in England as in Scotland, as if the soldiers, who, upon this extraordinary occasion, were brought into the city, and who did indeed keep guard in the Parliament Clofs, were an awe

and a terror to the Parliament, and that consequently it was not a free Parliament.

M I N U T E X.

Monday, October 28, 1706.

Minutes of the last *federunt* read.

Thereafter the Parliament proceeded to the consideration of the articles of Union, and the eighteenth article was again read, and farther discoursed on.

Thereafter the nineteenth, twentieth, and twenty-first articles were read, and the minutes relative thereto, and the farther consideration of these articles delayed till the next *federunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

O B S E R V A T I O N X.

The debate of the eighteenth article came now on; but the disturbance and hurry was such upon all men's minds, that there was very little discourse, but what ran all into the public matters, as of the tumults, the guards, &c.

About this time the rumours of the uneasiness of the people in the country began also to increase; and the Parliament was daily threatened with insurrections and mobs from abroad; but nothing appeared publicly yet.

M I N U T E XI.

Tuesday, October 29, 1706.

The nineteenth article of Union was again read, as also the twentieth and twenty-first articles, and were severally reasoned on.

Thereafter the twenty-second and twenty-third articles were likewise read, and the minutes relative thereto, and after some reasoning thereupon, the farther consideration of these articles was delayed till the next *federunt* of Parliament.

Adjourned till to-morrow at one o'clock.

O B S E R V A T I O N XI.

Nothing material was offered in the reasoning upon these articles; there was some debate upon the proportions of members for the Parliament of Britain, and some suggestions, that Scotland ought to retain her whole Parliament; but those that opposed it, did not think fit to enter much into the dispute of that point, till the second reading of that article.

M I N U T E XII.

Wednesday, October 30, 1706.

The twenty-second and twenty-third articles of Union were again read, and farther discoursed on.

Thereafter the twenty-fourth and twenty-fifth articles of Union, and the minutes relative thereto, were also read, and severally reasoned on.

Act adjourning the session till the first day of December next, read, and a first reading ordered to be marked thereon.

Adjourned till Friday next at ten o'clock.

O B S E R V A T I O N XII.

This day ended the first or general reading of the articles; and these last articles being such, as would be necessary, or not necessary, as the general treaty succeeded or not, there remained no occasion of debate on this reading, since they were not now to be approved or voted.

M I N U T E XIII.

Friday, November 1, 1706.

Moved, “ That the Parliament now proceed to the farther and more particular consideration of the articles of Union, in order to approve them or not, and to begin with and read the first article.”

Moved also, “ That the farther consideration of the articles of Union be yet delayed for some considerable time, that the sentiments of the Parliament of England thereanent be known; and that the members of Parliament may consult these whom they represent;” and after some debate on these motions, the following petitions and addresses were presented, viz. One by some of the barons, freeholders, and others subscribing the same, within the shire of Mid-Lothian; another by some of the barons, freeholders, and others subscribing the same, within the shire of Linlithgow, and three by some of the barons
and

and freeholders of Perthshire subscribing the same, all against allowing of an incorporate Union with England, and all read and discoursed on; and there-after the debate for delay, on account of consulting of those whom the members represent, and of knowing the sentiments of the nation, and the procedure of the Parliament of England, was let fall, and agreed that the first article of Union should be read, but that it should be entire, next *sederunt* of Parliament, to debate, whether or not the first article be concluded, by approving thereof, or not; or, if the Parliament may not, before concluding thereof, begin with and conclude any other of the articles; and accordingly the first article was read. Adjourned till to-morrow at ten o'clock.

OBSERVATION XIII.

The great question came now to be determined,—Whether they should go upon the treaty, or not?

Those that opposed it, would not directly argue against reading the articles at all, and so at once reject the treaty; but they began to start a new scruple, viz. Why should it be put upon the Parliament of Scotland to determine first upon the treaty? why should not England, where the treaty had been formed, and where their Parliament was now to sit in a few days: Why should not they first signify their consent to the treaty, and then the Parliament of Scotland might consider whether they could join with them upon the terms, Yea or No?

This occasioned great disputes; and many speeches were made, endeavouring to shew the reasonableness of having this matter first determined in England.

It was among other things offered as a sufficient argument, that, as it was the Queen's prerogative to call Parliaments, to appoint and limit their sittings, and to propose to them any matters as the subject of their meeting, which they should consult about, not exclusive of what they should think fit to debate themselves, Her Majesty had determined which Parliament should begin upon the articles, by appointing this Parliament for that end, and had particularly recommended this matter to them, and that therefore they ought to go about it.

That the priority was a dispute of no consequence at all, and that they had all the liberty in the world to pass, or not pass, approve or not approve, of the treaty now, as they should have then; that, if there was any difference, the honour was done to Scotland, in putting the treaty first into their hands, as the principal persons who were supposed to have objections to make, and that they might be made entirely easy, in every thing that was material, to their satisfaction.

Notwithstanding all this, they renewed the debate, and brought it to a motion in the Parliament, as appears by the vote, in which they also added the former suggestion of consulting their constituents; and some members alledged, they had express directions from their principals, and the counties they represented, restraining, and positively obliging them, not to enter upon the treaty.

This brought things to a great height; and some members, as was said, began to talk of protesting, and leaving the Parliament, but they had more wisdom than that came to; they indeed very earnestly pressed this motion, which was in short to obtain a delay, and that made them fly from one argument to another.

Together with their arguments, and to second their proposal of consulting principals, they brought in addresses from the several places mentioned above, and vehemently urged, that it appeared by them, that it was the sense of the people that the whole nation was against it, and that they ought not to proceed without their assent.

Here it was noted, that the address from Mid-Lothian was signed by not above twelve of the gentlemen, or thereabout, though there were above two hundred gentlemen in that county; and that therefore it seemed the argument of its being the sense of the nation, must be very ill grounded.

At length they dropped the debate, and obtained the previous question, viz. "That the Parliament should immediately proceed to reading the articles."

But then a new project was set on foot; and it was an odd thing to see, that after a long debate whether the articles should be read at all or not, it occasioned another question, and no small debate upon it, which end of them they should begin at.

When they had gotten over the question as before, for reading, they fell out which article they should read first; the party which had at first opposed reading them all, now struggled to begin in the middle of the treaty; the reason was, as they alledged, they were for examining the particulars before they voted the general. The first article contained, "That from and after the first day of May, the two kingdoms should be united," &c. This they would have delayed; and then followed the conditions which they would have agreed first of all.

Others alledged, that it would be needless to enter into the particulars till it was agreed, whether they should be united or not; and therefore it was necessary to examine the first article in its order, not only because it was the first, but because it was most rational to determine, whether there should be an

Union

Union or not, before they descended to the particulars ; because, if all the articles were agreed to, yet if it should be so precarious as to state the question afterwards, whether there should be an Union or not, it might at once render all their labour fruitless.

Upon this debate, they resolved, it was first necessary to get over the main article, whether there should be an Union or not, before they entered into the merits of the particulars, or examined the conditions ; and they only read the article, to finish the debate, and prevent any more difficulty.

M I N U T E XIV.

Saturday, November 2, 1706.

The first article of Union was again read, and thereupon a motion was offered in thir terms : “ That it be agreed to, in the first place, to proceed to “ take the first article of the Union into consideration, with this provision, that “ if the other articles of Union be not adjusted by the Parliament, then the “ agreeing to, and approving of the first, shall be of no effect ; and that immediately after the said first article, the Parliament will proceed to an act “ “ For security of the doctrine, discipline, worship, and government of the “ “ church, as now by law established within this kingdom.” And after some debate thereon, there was a state of a vote offered, “ Approve of the motion, “ Yea, or No.”

Whereupon, there was a resolve offered in thir terms, “ That before this “ House proceed to vote any of the articles of the Treaty, they will hear what “ security the Commission of the Church is to offer for the church government, and that before any incorporating Union be voted ;” and after some farther debate upon the said motion and resolve, a second state of a vote was offered, “ That the church government be taken into consideration before the “ articles of treaty, Yea or No.”

And after some debate, which of the two should be the state of the vote, it was put to the vote, “ Whether the first or second should be the state of the “ vote,” and it carried “ the first ;” thereafter, it was put to the vote, “ Approve of the motion, or not,” and it carried, “ approve.”

Whereupon the first article of Union was again read, and after some reasoning thereon, it being objected, That an incorporating Union of the two kingdoms was contrair to and inconsistent with the Claim of Right ; the Claim of Right, and the third act of the first Parliament of Her Majesty Queen Anne, entitled, “ Act for approving the turning the meeting of the Estates into a Parliament,” and the letter of the meeting of the Estates to King William, the 24th of April, one thousand six hundred eighty-nine, were all read.

And

And an address by the barons, freeholders, heretors, and other gentlemen in the shire of Forfar, subscribers of the same, against allowing of an incorporating Union with England, being given in, was also read.

And after long reasoning and debate on the said first article of Union, and objection, it was of consent agreed, that the same should be delayed till the next *sederunt* of Parliament.

Adjourned till Monday next at ten o'clock.

OBSERVATION XIV.

The first article was now read, and all the opposition hitherto made, had been over. But two plausible things remained; one was, to debate whether it should be so settled, that if all the articles were not concluded, none of them which were considered, should be of any force: this was so plausible, nobody could withstand it.

Then they objected in the name of the church, on the occasion brought before them formerly, viz. The act of security. Unhappy was the condition at this time of the church of Scotland, if what seemed to appear, had been her real case, viz. To have her greatest enemies be her best solicitors; as if she had been so desperate, that even those that formerly assisted to pull her down, were the only seeming advocates for her present establishment.

Or else surely her case was very happy, on the other hand, that her establishment was so visibly necessary at this time, that even her apparent enemies were careful to support her.

I shall enter no farther into the mystery of it here. The Parliament had voted to consider the address of the Commission before any thing was concluded; and whether that word 'concluded,' was to signify before they voted any article, or before the whole Union was concluded, was now immaterial; and though it was expressly said in the vote of October 17, that it should be before the Union was concluded, yet it was moved now, and the Parliament was so willing to do every thing ^{for} the satisfaction of the nation, that they resolved to go upon it immediately after the passing the first article.

The party that still opposed, were for going on the affair of the church before any of the articles were concluded on, alledging, that if the security of the church could not be agreed on, the Union could not be entered upon; but it was returned to that, that just on the contrary, it was necessary first to vote the general, whether there should be an Union or not in the terms of the treaty, which general was included in the first article; and it was easy to be seen, that if that article was voted against, the Union was rejected; and if the Union was rejected, there was then no need for discoursing on the act of security for the church.

This

This was too strong a way of reasoning to be resisted, and therefore when it came to the question, it passed, as per the minute.

“ That it be agreed to, in the first place, to proceed to take the first article of Union into consideration, with this provision, that if the other articles of Union be not adjusted by the Parliament, then the agreeing to, and approving of the first, shall be of no effect; and that immediately after the said first article, the Parliament will proceed to an act for security of the doctrine, discipline, worship, and government of the church, as now by law established within this kingdom.”

And now the first article came upon the stage, and the first brush it met with was, that it was against the claim of right, as per the minute.

This was a surprising blow indeed, and made the House immediately call for the claim of right: but that which was remarkable upon reading the claim of right was, it became necessary to read the letter of the Convention at that time sent to King William, in which the Estates, then met, humbly desired His Majesty to set on foot an Union in the very sense and meaning of this incorporation of the kingdoms, as the only happiness the kingdom desired.

“ We are most sensible of your Majesty’s kindness, and fatherly care to both your kingdoms, in promoting their union, which we hope hath been reserved to be accomplished by you; that as both kingdoms are united in one head and sovereign, so they may become one body politic, one nation, to be represented in one Parliament. And to testify our readiness to comply with your Majesty in that matter, we have nominated Commissioners to treat the terms of an entire and perpetual Union betwixt the two kingdoms, with reservation to us of our church government, as it shall be established at the time of the Union. These Commissioners do wait your Majesty’s approbation and call, that they may meet and treat with the Commissioners to be appointed for England, at what time and place your Majesty shall appoint. And if any difficulty shall arise in the treaty, we do, upon our part, refer the determination thereof to your Majesty. And we do assure ourselves, from your Majesty’s prudence and goodness, of a happy conclusion to that important affair, so as the same may be agreed to, and ratified by your Majesty in your first Parliament.”

This indeed occasioned a long debate, and much warmth on both sides, which held the House very late; and after reading all the papers, the inconsistency of the Union with the claim of right was thoroughly examined, where it could not but be very remarkable to observe some gentlemen giving a sanction to the claim of right, who never before acknowledged it, owning it now as a sacred foundation, in order to oppose it to the scheme of Union

now drawn ; which being of more fatal consequence to their real design, as well as party, they were brought to the necessity of closing with the first to confront the last ; so playing one against another, recognizing the Revolution as the lesser evil, to repulse the Union, which they saw plainly aimed at the foundation, struck at the root, and must for ever foreclose jacobitism and prelacy, the two columns which supported their cause. The reasonings here in the House began with much calmness ; immediately after reading the article, Mr. Seton, of Pitmedden, took the opportunity to say, That having had the honour to be one of the Commissioners for the treaty, he thought it his duty to give some reasons, which moved him to approve that article at London ; that he was persuaded, there were several members so prejudiced against all the articles, that he could not hope from them a favourable audience. And that what he had to say to the present subject of debate, had been thought upon when he signed the treaty ; therefore, he would presume to make use of his papers, hoping, though his reasons could not convince any member, yet they might serve to vindicate his conduct to posterity. Then he proceeded, and the 2d of November, 1706, made the following speech :

“ My Lord Chancellor,

“ THIS honourable House has heard the several articles of the treaty of Union twice read, has spent a considerable time in discoursing to each of them, and, after much debate, is come to examine and determine upon the first. Notwithstanding all the arguments offered against it, I cannot find the least motive for altering the opinion I had at signing this article, having had the honour to be one of the Commissioners appointed by Her Majesty for that end ; but that I may give all satisfaction to every member, I shall humbly offer, in a plain manner, my thoughts in relation to it.

“ My Lord, this article is the foundation of the whole treaty, and the approving or rejecting of it must determine Union or no Union betwixt both kingdoms.

“ How far the approving this article conduces to our happiness, appears evidently, by considering the three different ways proposed for retrieving the languishing condition of this nation ; which are, That we continue under the same sovereign with England, with limitations on his prerogative as King of Scotland ; that the two kingdoms be incorporated into one, or that they be entirely separated.

“ That the Union of Crowns, with limitations on the successor, is not sufficient to rectify the bad state of this nation, appears from these positions founded on reason and experience.

“ Two

“ Two kingdoms subject to one Sovereign, having different interests, the nearer these are one to another, the greater jealousy and emulation will be betwixt them.

“ Every Monarch, having two or more kingdoms, will be obliged to prefer the counsel and interest of the stronger to that of the weaker : and the greater disparity of power and riches there is betwixt these kingdoms, the greater influence the more powerful nation will have on the Sovereign. Notwithstanding these positions, I shall suppose the Parliament of Scotland is vested with the power of making peace and war, of rewarding and punishing persons of all ranks, of levying troops, and of the negative itself.

“ I could show the inconveniencies that must attend such a state of government, in disposal of places, and managing public affairs. I could likewise show the improbability of attaining such conditions, or keeping them if attained. But laying aside such considerations, my humble opinion is, that we cannot reap any benefit from these conditions of Government, without the assistance of England ; and the people thereof will never be convinced to promote the interest of Scotland, till both kingdoms are incorporated into one : so that I conceive such a state of limitations to be no better for Scotland, than if it were entirely separated from England ; in which state there is little appearance of procuring any remedy to our present circumstances, which appears from these uncontroverted positions :

“ The people and government of Scotland must be richer or poorer, as they have plenty or scarcity of money, the common measure of trade.

“ No money or things of value can be purchased in the course of commerce, but where there is a force to protect it.

“ This nation is behind all other nations of Europe, for many years, with respect to the effects of an extended trade.

“ This nation being poor, and without force to protect its commerce, cannot reap great advantages by it, till it partake of the trade and protection of some powerful neighbour nation, that can communicate both these.

“ To illustrate this last position, I shall give a short view of the state of commerce we must needs be in, with respect to our neighbour nations, supposing an entire separation from England.

“ The ordinary mean whereby we can flourish in wealth, is, that balance which arises from the exchange of our natural or artificial product with other places : but we have no valuable branch of export, which does not interfere with the like commodity, in some more powerful neighbour nation, whose interest it is to suppress or discourage our commodity, for raising the value of its own ; so that there is no demonstrable security for the vent and encouragement of any branch of our export.

“ Can it be expected, that Holland will suffer us to improve our fishery,
 “ which is to them a nursery for seamen, a livelihood to many families, and
 “ an immense treasure to the public.

“ If we traffic with England, our linen cloth, cattle, and coals will be dis-
 “ couraged, at least after the same manner that we discourage export from
 “ thence. If we traffic with Muscovy, Sweden, Denmark, Poland, Germany,
 “ France, Spain, Portugal, and Italy, the sale of our commodities will be of
 “ small value in those places; seeing the Dutch or English, by their increase of
 “ trade, are capable to serve them with most of the like goods cheaper and
 “ better than we.

“ Let us look to any other part of the world for vent to our product, and
 “ we will find other nations have prevented us.

“ If we attempt the East-India trade, that is already enhanced by the Dutch,
 “ English, French, Spaniards, or Portuguese, from whom we must expect
 “ opposition, they themselves opposing one another daily; and we of no force
 “ to debate the same with the most inconsiderable of them.

“ The trade of Africa is, for the most part, of small value; and every pro-
 “ vince of America, is claimed as property, by some powerful European nation.

“ If it be said, that Scotland may make alliance with one of its neighbour
 “ nations for protection; that alliance must be with Holland, England or France.
 “ Other countries being so remote or poor, that their friendships can be of little
 “ use to us.

“ With Holland we can have no advantageous alliance, because its chief
 “ branch of trade is the same with ours; with the English we can expect no
 “ profitable friendship, for they being our near neighbours, will be jealous of
 “ our increase in power; and from France few advantages can be reaped, till
 “ the old offensive and defensive league be revived betwixt France and Scot-
 “ land, which would give umbrage to the English, and occasion a war betwixt
 “ them and us. And allowing the Scots, in such a juncture, with the assis-
 “ tance of France, to conquer England; Scotland, by that conquest, could not
 “ hope to better its present state; for it is more than probable, the conqueror
 “ would make his residence in England, as formerly the northern people used
 “ to do in their southern expeditions.

“ From these considerations, I conceive, that this nation, by an entire sepa-
 “ ration from England, cannot extend its trade, so as to raise its power in
 “ proportion to other trafficking nations in Europe; but that hereby we may
 “ be in danger of returning to that Gothic constitution of government, wherein
 “ our forefathers were, which was frequently attended with feuds, murders,
 “ depredations and rebellions.

“ My Lord, I am sorry, that, in place of things, we amuse ourselves
 with words; for my part, I comprehend no durable union betwixt Scotland
 and

“ England, but that expressed in this article by one kingdom, that is to say,
 “ one people, one civil government, and one interest.

“ It is true, the words, Fœderal Union, are become very fashionable, and
 “ may be handsomely fitted to delude unthinking people; but if any member
 “ of this House will give himself the trouble to examine what conditions or
 “ articles are understood by these words, and reduce them into any kind of
 “ fœderal compacts, whereby distinct nations have been united, I will pre-
 “ sume to say, these will be found impracticable, or of very little use to us.

“ But to put that matter in a clear light, these queries ought to be duly
 “ examined, whether a fœderal union be practicable betwixt two nations ac-
 “ customed to a monarchical government? Whether there can be any sure
 “ guaranty projected for the observance of the articles of a fœderal compact,
 “ stipulated betwixt two nations, whereof the one is much superior to the
 “ other, in riches, numbers of people, and an extended commerce? Whether
 “ the advantages of a fœderal union do balance its disadvantages? Whether
 “ the English will accept a fœderal union, supposing it to be for the true in-
 “ terest of both nations? Whether any fœderal compact betwixt Scotland and
 “ England, is sufficient to secure the peace of this island, or fortify it against
 “ the intrigues and invasions of its foreign enemies? And, whether England,
 “ in prudence, ought to communicate its trade and protection to this nation,
 “ till both kingdoms are incorporated into one?

“ To clear this last query, I shall offer a remark from history.

“ Of two independent and distinct kingdoms, united by a fœderal compact,
 “ under one sovereign, the weaker, to preserve its interest, has sometimes sepa-
 “ rated from the stronger, unless prevented by open force, or secret influence
 “ on its government.

“ Spain and Portugal were subject to the same sovereign, Philip II. and,
 “ notwithstanding the Portuguese got most advantageous conditions from Spain,
 “ they no sooner found a favourable opportunity in the reign of Philip IV.
 “ than they revolted from their allegiance, and elected the Duke of Braganza
 “ for their king.

“ Sweden and Denmark were united by a fœderal compact under one mo-
 “ narch; but the Swedes judging a separation more for their interest, broke off,
 “ and chose Gustavus I. for their king.

“ My Lord, I should now consider an incorporating union, as it is expressed
 “ in this article by one kingdom; but that I may not take up the time of the
 “ House, I shall only give one historical remark with relation to it.

“ Two or more distinct kingdoms or states, by incorporating into one king-
 “ dom, have continued under the same sovereign, enjoying equally the pro-
 “ tection of his government, and every part of the body politic, though ne-

“ ver so far removed from the seat of government, has flourished in wealth, in
 “ proportion to the value of its natural product, or the industry of its inhabi-
 “ tants. To prove this remark, there are many examples.

“ Spain was formerly divided into several kingdoms, ten whereof are in-
 corporated into the one kingdom of Spain.

“ France was formerly divided into twelve states, which are incorporated
 into the one kingdom of France.

“ England was formerly divided into seven kingdoms, which are incorporated
 “ into the one kingdom of England ; Scotland itself was formerly divided into two
 “ kingdoms, which at present are incorporated into the one kingdom of Scotland.

“ I could give some account of the particular advantages we will obtain by
 “ an incorporating union with England ; but there will be occasions to discourse
 “ of these, as the other articles fall under the consideration of this Parliament.
 “ In general, I may assert, that by this union, we will have access to all the
 “ advantages in commerce the English enjoy : we will be capable, by a good
 “ government, to improve our national product, for the benefit of the whole
 “ island ; and we will have our liberty, property, and religion, secured under
 “ the protection of one Sovereign, and one Parliament of Great Britain.

“ Now, my Lord, if limitations on the successor can be of little or no use
 “ to us ; if an entire separation from England brings no advantage to this na-
 “ tion ; and if all federal compacts, as we are stated, have insuperable
 “ difficulties, which in some measure I have cleared, there is but one of two
 “ left to our choice, to wit, That both kingdoms be united into one, or that
 “ we continue under the same sovereign with England, as we have done these
 “ hundred years past. This last I conceive to be a very ill state ; for by it
 “ (if experience be convincing) we cannot expect any of the advantages of an
 “ incorporating union ; but on the contrair, our sovereignty and independency
 “ will be eclipsed ; the number of our nobility will increase ; our commons
 “ will be oppressed ; our Parliaments will be influenced by England ; the exe-
 “ cution of our laws will be neglected ; our peace will be interrupted by fac-
 “ tions for places and pensions ; luxury, together with poverty (though strange)
 “ will invade us ; numbers of Scots will withdraw themselves to foreign coun-
 “ tries ; and all the other effects of bad government must necessarily attend us.

“ Let us therefore, my Lord, after all these considerations, approve this
 “ article ; and when the whole treaty shall be duly examined and ratified, I am
 “ hopeful, this Parliament will return their most dutiful acknowledgements
 “ to Her Majesty, for her royal endeavours in promoting a lasting union
 “ betwixt both nations.”

Next spoke the Lord Beilhaven, but without answering what had been said
 by Mr. Seton. He made a long premeditated speech, the nature of which will
 be best understood by reading it at length, which being so much talked of in
 the

the world, I have also inserted here, though I shall not trouble the reader with many more speeches in this whole history.

“ My Lord Chancellor,

“ When I consider this affair of an Union betwixt the two nations, as it is expressed in the several articles thereof, and now the subject of our deliberation at this time, I find my mind crouded with variety of very melancholy thoughts; and I think it my duty to disburden myself of some of them, by laying them before, and exposing them to the serious consideration of this honourable House.

“ I think I see a free and independent kingdom delivering up that which all the world hath been fighting for since the days of Nimrod; yea, that for which most of all the empires, kingdoms, states, principalities, and dukedoms of Europe, are at this very time engaged in the most bloody and cruel wars that ever were, to wit, a power to manage their own affairs by themselves, without the assistance and counsel of any other.

“ I think I see a national church, founded upon a rock, secured by a Claim of Right, hedged and fenced about by the strictest and pointedest legal sanction that sovereignty could contrive, voluntarily descending into a plain, upon an equal level with Jews, Papists, Socinians, Arminians, Anabaptists, and other sectaries, &c.

“ I think I see the noble and honourable peerage of Scotland, whose valiant predecessors led armies against their enemies upon their own proper charges and expences, now divested of their followers and vassallages, and put upon such an equal foot with their vassals, that I think I see a petty English exciseman receive more homage and respect than what was paid formerly to their quondam Macallanmores.

“ I think I see the present peers of Scotland, whose noble ancestors conquered provinces, overrun countries, reduced and subjected towns and fortified places, exacted tribute though the greatest part of England, now walking in the Court of Requests like so many English Attornies, laying aside their walking swords when in company with the English Peers, lest their self-defence should be found murder.

“ I think I see the honourable estate of Barons, the bold asserters of the nation's rights and liberties in the worst of times, now setting a watch upon their lips and a guard upon their tongues, lest they be found guilty of *scandalum magnatum*.

“ I think I see the royal state of boroughs, walking their desolate streets, hanging down their heads under disappointments; wormed out of all the branches of their old trade, uncertain what hand to turn to; necessitated to become prentices to their unkind neighbours; and yet, after all, finding their trade so fortified by companies, and secured by prescriptions, that they despair of any success therein.

“ I think

“ I think I see our learned Judges laying aside their practiques and decisions, studying the common law of England, gravelled with *certioraries*, *nisi priuses*, writs of error, verdicts indovar, *ejectione firme*, injunctions, demurs, &c. and frightened with appeals and avocations, because of the new regulations and rectifications they may meet with.

“ I think I see the valiant and gallant soldiery, either sent to learn the plantation trade abroad, or at home petitioning for a small subsistence as the reward of their honourable exploits, while their old corps are broken, the common soldiers left to beg, and the youngest English corps kept standing.

“ I think I see the honest, industrious tradesman, loaded with new taxes and impositions, disappointed of the equivalents, drinking water in place of ale, eating his saltless pottage; petitioning for encouragement to his manufactures, and answered by counter petitions.

“ In short, I think I see the laborious plew-man, with his corn spoiling upon his hands for want of sale, cursing the day of his birth, dreading the expence of his burial, and uncertain whether to marry or do worse.

“ I think I see the incurable difficulties of the landed men, fettered under the golden chain of equivalents, their pretty daughters petitioning for want of husbands, and their sons for want of employments.

“ I think I see our mariners delivering up their ships to their Dutch partners; and what through presses and necessity, earning their bread as underlings in the Royal English navy.

“ But above all, my Lord, I think I see our ancient mother, Caledonia, like Cæsar, sitting in the midst of our senate, ruefully looking round about her, covering herself with her royal garment, attending the fatal blow, and breathing out her last with a *et tu quoque mi fili*.

“ Are not these, my Lord, very afflicting thoughts? And yet they are but the least part suggested to me by these dishonourable articles; should not the consideration of these things vivify these dry bones of ours? Should not the memory of our noble predecessors valour and constancy, rouse up our drooping spirits? Are our noble predecessors souls got so far into the English cabbage-stock and colliflowers, that we should shew the least inclination that way? Are our eyes so blinded, are our ears so deafened, are our hearts so hardened, are our tongues so faltered, are our hands so fettered, that in this our day, I say, my Lord, that in this our day, that we should not mind the things that concern the very being and well-being of our ancient kingdom, before the day be hid from our eyes?

“ No, my Lord, God forbid; man's extremity is God's opportunity: he is a present help in time of need; and a deliverer, and that right early. Some unforeseen providence will fall out that may cast the balance; some Joseph

“ or other will say, ‘ Why do ye strive together, since you are brethren?’
 “ None can destroy Scotland, save Scotland’s self; hold your hands from the
 “ pen, you are secure. Some Judah or other will say, ‘ Let not our hands be up-
 “ on the lad, he is our brother.’ There will be a Jehovah-Jireh, and some ram
 “ will be caught in the thicket, when the bloody knife is at our mother’s throat :
 “ let us up then, my Lord, and let our noble patriots behave themselves like
 “ men, and we know not how soon a blessing may come.

“ My Lord, I wish from my heart that this my vision prove not as true, as my
 “ reasons for it are probable: I design not at this time to enter into the merits
 “ of any one particular article; I intend this discourse as an introduction to
 “ what I may afterwards say upon the whole debate, as it falls in before this
 “ honourable House; and therefore, in the farther prosecution of what I have
 “ to say, I shall insist upon some few particulars, very necessary to be under-
 “ stood, before we enter into the detail of so important a matter.

“ I shall therefore, in the first place, endeavour to encourage a free and full
 “ deliberation, without animosities and heats; in the next place, I shall endea-
 “ vour to make an inquiry into the nature and source of the unnatural and dan-
 “ gerous divisions that are now on foot within this isle, with some motives,
 “ shewing, that it is our interest to lay them aside at this time. Then I shall
 “ inquire into the reasons which have induced the two nations to enter into a
 “ treaty of Union at this time, with some considerations and meditations, with
 “ relation to the behaviour of the Lords Commissioners of the two kingdoms,
 “ in the management of this great concern. And lastly, I shall propose a
 “ method, by which we shall most distinctly, and without confusion, go through
 “ the several articles of this treaty, without unnecessary repetitions or loss of
 “ time: and all this with all deference, and under the correction of this ho-
 “ nourable House.

“ My Lord Chancellor, the greatest honour that was done unto a Roman,
 “ was to allow him the glory of a triumph; the greatest and most dishonour-
 “ able punishment was that of parricide: he that was guilty of parricide, was
 “ beaten with rods upon his naked body till the blood gushed out of all the
 “ veins of his body; then he was sewed up in a leathern sack called a Culeus,
 “ with a cock, a viper, and an ape, and thrown headlong into the sea.

“ My Lord, patricide is a greater crime than parricide all the world over.

“ In a triumph, my Lord, when the conqueror was riding in his triumphal
 “ chariot, crowned with laurels, adorned with trophies, and applauded with
 “ huzzas, there was a Monitor appointed to stand behind him, to warn not to
 “ be high-minded, nor puffed up with overveining thoughts of himself; and
 “ to his chariot were tied a whip and a bell, to mind him, that, for all his glory
 “ and grandeur, he was accountable to the people for his administration, and
 “ would be punished as other men, if found guilty.

“ The greatest honour amongst us, my Lord, is to represent the Sovereign’s
 “ sacred person in Parliament ; and, in one particular, it appears to be greater
 “ than that of a triumph, because the whole legislative power seems to be
 “ wholly intrusted with him : if he gives the royal assent to an act of the
 “ estates, it becomes a law obligatory upon the subject, though contrary or
 “ without any instructions from the Sovereign : if he refuse the royal assent to
 “ a vote in Parliament, it cannot be a law, though he has the Sovereign’s par-
 “ ticular and positive instructions for it.

“ His Grace the Duke of Queensberry, who now represents Her Majesty in
 “ this session of Parliament, hath had the honour of that great trust, as often,
 “ if not more than any Scotsman ever had ; he hath been the favourite of two
 “ successive Sovereigns ; and I cannot but commend his constancy and perse-
 “ verance, that, notwithstanding his former difficulties and unsuccessful at-
 “ tempts, and maugre some other specialities not yet determined, that his
 “ Grace has yet had the resolution to undertake the most unpopular measures
 “ last. If his Grace succeed in this affair of an Union, and that it prove for the
 “ happiness and welfare of the nation, then he justly merits to have a statue of
 “ gold erected for himself ; but if it shall tend to the entire destruction and
 “ abolition of our nation, and that we the nation’s trustees shall go into it, then
 “ I must say, that a whip and a bell, a cock, a viper, and an ape, are but too
 “ small punishments for any such bold unnatural undertaking and complaisance.

“ That I may path a way, my Lord, to a full, calm, and free reasoning up-
 “ on this affair, which is of the last consequence unto this nation, I shall mind
 “ this honourable House, that we are the successors of our noble predecessors
 “ who founded our monarchy, framed our laws, amended, altered, and cor-
 “ rected them from time to time, as the affairs and circumstances of the nation
 “ did require, without the assistance or advice of any foreign power or potentate,
 “ and who, during the time of two thousand years, have handed them down to
 “ us a free, independent nation, with the hazard of their lives and fortunes ;
 “ shall not we then argue for that which our progenitors have purchased for
 “ us at so dear a rate, and with so much immortal honour and glory ? God for-
 “ bid. Shall the hazard of a father unbind the ligaments of a dumb son’s
 “ tongue ? and shall we hold our peace when our Patria is in danger ? I speak
 “ this, my Lord, that I may encourage every individual member of this House
 “ to speak their mind freely. There are many wise and prudent men amongst
 “ us, who think it not worth their while to open their mouths ; there are
 “ others who can speak very well, and to good purpose, who shelter themselves
 “ under the shameful cloak of silence, from a fear of the frowns of great men
 “ and parties. I have observed, my Lord, by my experience, the greatest
 “ number of speakers in the most trivial affairs ; and it will always prove so,
 “ while

“ while we come not to the right understanding of our oath *de fidelit*, whereby
 “ we are bound not only to give our vote, but our faithful advice in Par-
 “ liament, as we should answer to God; and in our ancient laws, the represen-
 “ tatives of the honourable barons and the royal boroughs are termed spoken-
 “ men: it lies upon your Lordships therefore particularly to take notice of
 “ such, whose modesty makes them bashful to speak: therefore I shall leave it
 “ upon you, and conclude this point with a very memorable saying of an
 “ honest private gentleman, to a great Queen, upon occasion of a state project,
 “ contrived by an able statesman, and the favourite to a great King, against a
 “ peaceable, obedient people, because of the diversity of their laws and consti-
 “ tutions: ‘ If at this time thou hold thy peace, salvation shall come to the
 “ ‘ people from another place, but thou and thy house shall perish.’ I leave
 “ the application to each particular member of this House.

“ My Lord, I come now to consider our divisions. We are under the happy
 “ reign (blessed be God) of the best of Queens, who has no evil design against
 “ the meanest of her subjects, who loves all her people, and is equally beloved
 “ by them again; and yet that, under the happy influence of our most excel-
 “ lent Queen, there should be such divisions and factions, more dangerous
 “ and threatening to her dominions, than if we were under an arbitrary govern-
 “ ment, is most strange and unaccountable. Under an arbitrary Prince, all are
 “ willing to serve, because all are under a necessity to obey, whether they will or
 “ not: he chooses therefore whom he will, without respect to either parties or
 “ factions: and if he think fit to take the advices of his Councils or Par-
 “ liaments, every man speaks his mind freely, and the Prince receives the faith-
 “ ful advice of his people, without the mixture of self-designs: if he prove a
 “ good Prince, the Government is easy; if bad, either death or a revolution
 “ brings a deliverance. Whereas here, my Lord, there appears no end of our
 “ misery, if not prevented in time; factions are now become independent, and
 “ have got footing in councils, in parliaments, in treaties, in armies, in incor-
 “ porations, in families, among kindred; yea man and wife are not free from
 “ their political jars.

“ It remains therefore, my Lord, that I inquire into the nature of these
 “ things, and since the names give us not the right idea of the thing, I am
 “ afraid I will have difficulty to make myself well understood.

“ The names generally used to denote the factions are Whig and Tory—as
 “ obscure as that of the Guelfs and Gibelins: yea, my Lord, they have dif-
 “ ferent significations, as they are applied to factions in each kingdom; a Whig
 “ in England is a heterogencous creature; in Scotland, he is all of a piece: a
 “ Tory in England is all of a piece, and a statesman; in Scotland, he is quite
 “ otherwise, an anti-courtier and anti-statesman.

“ A Whig in England appears to be somewhat like Nebuchadnezzar’s image
 “ of different metals, different classes, different principles, and different de-
 “ signs; yet take them all together, they are like a piece of fine mixed drog-
 “ gat of different threads, some finer, some coarser, which after all make a
 “ comely appearance, and an agreeable suit. A Tory is like a piece of loyal-
 “ made English cloth, the true staple of the nation, all of a thread: yet if we
 “ look narrowly into it, we shall perceive diversity of colours, which, according
 “ to the various situations and positions, make various appearances; sometimes
 “ Tory is like the moon in its full, as appeared in the affair of the Bill of the
 “ Occasional Conformity; upon other occasions it appears to be under cloud,
 “ and as if it were eclipsed by a greater body, as it did in the design of the call-
 “ ing over the illustrious Princess Sophia. However, by this we may see their
 “ designs are to outshoot Whig in his own bow.

“ Whig in Scotland is a true-blue Presbyterian, who, without considering
 “ time or power, will venture their all for the kirk; but something less for
 “ the State. The greatest difficulty is, how to describe a Scots Tory: of old,
 “ when I knew them first, Tory was an honest-hearted comradish fellow, who,
 “ provided he were maintained and protected in his benefices, titles and digni-
 “ ties by the State, he was the less anxious who had the government and ma-
 “ nagement of the church: but now, what he is since Jure-Divinity came in
 “ fashion, and that Christianity, and by consequence, salvation comes to de-
 “ pend upon episcopal ordination, I profess I know not what to make of him;
 “ only this I must say for him, that he endeavours to do, by opposition, that,
 “ which his brother in England endeavours, by a more prudent and less scru-
 “ pulous method.

“ Now, my Lord, from these divisions there has got up a kind of aristocracy,
 “ something like the famous triumvirate at Rome; they are a kind of under-
 “ takers and pragmatic statesmen, who, finding their power and strength great,
 “ and answerable to their designs, will make bargains with our gracious So-
 “ vereign, they will serve her faithfully, but upon their own terms: they must
 “ have their own instruments, their own measures; this man must be turned
 “ out, and that man put in, and then they’ll make her the most glorious Queen
 “ in Europe.

“ Where will this end, my Lord? Is not Her Majesty in danger by such a
 “ method? Is not the Monarchy in danger? Is not the nation’s peace and
 “ tranquillity in danger? Will a change of parties make the nation more
 “ happy? No, my Lord, the seed is sown that is like to afford us a perpetual
 “ increase; it is not an annual herb, it takes deep root, it feeds and breeds;
 “ and, if not timeously prevented by Her Majesty’s royal endeavours, will split
 “ the whole island in two.

“ My

“ My Lord, I think, considering our present circumstances at this time, the
 “ Almighty God has reserved this great work for us: we may bruise this
 “ Hydra of division, and crush this Cockatrice’s egg; our neighbours in Eng-
 “ land are not yet fitted for any such thing, they are not under the afflicting
 “ hand of Providence as we are; their circumstances are great and glorious,
 “ their treaties are prudently managed both at home and abroad, their generals
 “ brave and valorous, their armies successful and victorious, their trophies and
 “ laurels memorable and surprising; their enemies subdued and routed, their
 “ strong holds besieged and taken, sieges relieved, marshals killed and taken pri-
 “ soners, provinces and kingdoms are the results of their victories; the royal
 “ navy is the terror of Europe, their trade and commerce extended through
 “ the universe, encircling the whole habitable world, and rendering their own
 “ capital city the Emporium for the whole inhabitants of the earth; and which
 “ is yet more than all these things, the subjects freely bestowing their treasury
 “ upon their Sovereign; and above all, these vast riches, the sinews of war, and
 “ without which all the glorious success had proved abortive, these treasures
 “ are managed with such faithfulness and nicety, that they answer seasonably all
 “ their demands, though at never so great a distance. Upon these considera-
 “ tions, my Lord, how hard and difficult a thing will it prove to persuade our
 “ neighbours to a self-denial bill.

“ It is quite otherwise with us, my Lord; we are an obscure, poor people,
 “ though formerly of better account; removed to a remote corner of the world,
 “ without name and without alliances, our posts mean and precarious; so that
 “ I profess I do not think any one post of the kingdom worth the bringing
 “ after, save that of being commissioner to a long session of a factious Scots Par-
 “ liament, with an antedated commission, and that yet renders the rest of the
 “ Ministers more miserable: what hinders us then, my Lord, to lay aside our
 “ divisions to unite cordially and heartily together in our present circumstances,
 “ when our all is at the stake. Hannibal, my Lord, is at our gates, Hannibal is
 “ come within our gates, Hannibal is come the length of this table, he is at
 “ the foot of this throne, he will demolish this throne; if we take not notice,
 “ he’ll seize upon these Regalia, he’ll take them as our *spolia opima*, and whip
 “ us out of this House, never to return again.

“ For the love of God then, my Lord, for the safety and welfare of our an-
 “ cient kingdom, whose sad circumstances I hope we shall yet convert unto
 “ prosperity and happiness! We want no means, if we unite; God blesteth
 “ the peace-makers; we want neither men nor sufficiency of all manner of
 “ things necessary to make a nation happy: all depends upon management,
 “ *Concordiæ res parvæ crescunt*. I fear not these articles, though they were ten
 “ times worse than they are, if we once cordially forgive one another, and that

“ according to our proverb, *bygones be bygones and fair play to come*. For my
 “ part, in the fight of God, and in the presence of this honourable House, I
 “ heartily forgive every man, and beg that they may do the same to me; and I
 “ do most humbly propose, that his Grace my Lord Commissioner may ap-
 “ point an Agape, may order a love-feast for this honourable House, that we
 “ may lay aside all self-designs, and, after our fasts and humiliation, may have
 “ a day of rejoicing and thankfulness; may eat our meat with gladness, and our
 “ bread with a merry heart; then shall we ‘ fit each man under his own fig-tree,
 “ and the voice of the turtle shall be heard in our land,’—a bird famous for con-
 “ stancy and fidelity.

“ My Lord, I shall make a pause here, and stop going on farther in my dis-
 “ course, till I see farther, if his Grace my Lord Commissioner receive any
 “ humble proposals for removing misunderstandings among us, and putting an
 “ end to our fatal divisions; upon honour I have no other design, and I am con-
 “ tent to beg the favour upon my bended knees.”

No answer.

“ My Lord Chancellor, I am sorry that I must pursue the thread of my sad
 “ and melancholy story: what remains, I am afraid, will prove as afflicting as
 “ what I have said; I shall therefore consider the motives which have en-
 “ gaged the two nations to enter upon a treaty of Union at this time: in ge-
 “ neral, my Lord, I think both of them had in their view to better themselves
 “ by the treaty; but before I enter upon the particular motives of each nation,
 “ I must inform this honourable House, that since I can remember, the two na-
 “ tions have altered their sentiments upon that affair, even almost to downright
 “ contradiction; they have changed headbands, as we say; for England, till of
 “ late, never thought it worth their pains of treating with us; the good bar-
 “ gain they made at the beginning, they resolve to keep, and that which we
 “ call an incorporating Union was not so much as in their thoughts. The first
 “ notice they seemed to take of us, was in our affair of Caledonia; when they
 “ had most effectually broke off that design, in a manner very well known to the
 “ world, and unnecessary to be repeated here, they kept themselves quiet during
 “ the time of our complaints upon that head: in which time our Sovereign, to
 “ satisfy the nation and allay their heats, did condescend to give us some good
 “ laws, and, amongst others, that of personal liberties and of peace and war;
 “ but England having declared their succession and extended their intail with-
 “ out ever taking notice of us, our gracious Sovereign Queen Anne was graci-
 “ ously pleased to give the royal assent to our Act of Security, and to give us a
 “ hedge to all our sacred and civil interests, by declaring it high treason to en-
 “ deavour the alteration of them, as they were then established. Thereupon did
 “ follow the threatening and minority laws against us by the Parliament of Eng-
 “ land,

“ land, and the unjust and unequal character of what Her Majesty had so graciously condescended to in our favour : Now, my Lord, whether the desire they had to have us engaged in the same succession with them ; or whether that they found us like a free and independent people, breathing after more liberty than what formerly was looked after ; or whether they were afraid of our Act of Security, in case of Her Majesty’s decease : which of all these motives has induced them to a treaty, I leave it to themselves ; this I must say only, they have made a good bargain this time also.

“ For the particular motives that induced us, I think, they are obvious to be known ; we found by sad experience, that every man hath advanced in power and riches, as they have done in trade, and at the same time considering that no where through the world slaves are found to be rich, though they should be adorned with chains of gold, we thereupon changed our notion of an incorporating Union to that of a fœderal one ; and being resolved to take this opportunity to make demands upon them, before we enter into the succession, we were content to impower Her Majesty to authorize and appoint Commissioners to treat with the Commissioners of England, with as ample powers as the Lords Commissioners from England had from their constituents, that we might not appear to have less confidence in Her Majesty, nor more narrow-hearted in our act than our neighbours of England : and thereupon last Parliament, after Her Majesty’s gracious letter was read, desiring us to declare the succession in the first place, and afterwards to appoint Commissioners to treat, we found it necessary to renew our former Resolve, which I shall read to this honourable House :

‘ *Resolve presented by the Duke of Hamilton last session of Parliament :*

‘ That this Parliament will not proceed to the nomination of a successor, till we have had a previous treaty with England, in relation to our commerce and other concerns with that nation. And farther, it is resolved, That this Parliament will proceed to make such limitations and conditions of Government, for the rectification of our Constitution, as may secure the liberty, religion, and independency of this kingdom, before they proceed to the said nomination.’

“ Now, my Lord, the last session of Parliament having, before they would enter upon any treaty with England, by a vote of the House, passed both an act for limitations, and an act for rectification of our Constitution, what mortal man has reason to doubt the design of this treaty was only fœderal ?

“ My Lord Chancellor, it remains now that we consider the behaviour of the Lords Commissioners at the opening of this treaty. And before I enter upon that, allow me to make this meditation, that if our posterity, after we

“ are

“ are all dead and gone, shall find themselves under an ill-made bargain, and
 “ shall have a recourse unto our records, and see who have been the managers
 “ of that treaty, by which they have suffered so much; when they read the
 “ names, they will certainly conclude and say, Ah ! our nation has been re-
 “ duced to the last extremity, at the time of this treaty ; all our great chief-
 “ tains, all our great peers and considerable men, who used formerly to defend
 “ the rights and liberties of the nation, have been all killed and dead in the
 “ bed of honour, before ever the nation was necessitated to condescend to such
 “ mean and contemptible terms : where are the names of the chief men of the
 “ noble families of Stewarts, Hamiltons, Grahams, Campbells, Gordons,
 “ Johnstons, Homes, Murrays, Kers, &c. Where are the two great officers
 “ of the Crown, the Constable and the Marischal of Scotland ? They have
 “ certainly all been extinguished, and now we are slaves for ever.

“ Whereas the English records will make their posterity reverence the me-
 “ mory of the honourable names who have brought under their fierce, warlike,
 “ and troublesome neighbours, who had struggled so long for independency,
 “ shed the best blood of their nation, and reduced a considerable part of their
 “ country to become waste and desolate.

“ I am informed, my Lord, that our Commissioners did indeed frankly tell the
 “ Lords Commissioners for England, that the inclination of the people of Scot-
 “ land were much altered of late, in relation to an incorporating Union, and
 “ that therefore since the entail was to end with Her Majesty’s life, whom
 “ God long preserve, it was proper to begin the treaty upon the foot of
 “ the treaty the 1604th year of God, the time when we came first under one
 “ Sovereign ; but this the English Commissioners would not agree to, and our
 “ Commissioners, that they might not seem obstinate, were willing to treat and
 “ conclude in the terms laid before this honourable House, and subjected to
 “ their determination.

“ If the Lords Commissioners for England had been as civil and complai-
 “ sant, they should certainly have finished a fœderal treaty likewise, that both
 “ nations might have the choice, which of them to have gone into, as they
 “ thought fit ; but they would hear of nothing but of an entire and complete
 “ Union, a name which comprehends an Union, either by incorporation, sur-
 “ render, or conquest ; whereas our Commissioners thought of nothing but a
 “ fair, equal, incorporating Union ; whether this be so or not, I leave it to
 “ every man’s judgement ; but as for myself, I must beg liberty to think it
 “ no such thing. For I take an incorporating Union to be, where there is a
 “ change both in the material and formal points of Government, as if two
 “ pieces of metal were melted down into one mass, it can neither be said to
 “ retain its former form or substance, as it did before the mixture. But now

“ when

“ when I consider this treaty, as it hath been explained and spoke to before us
 “ these three weeks past, I see the English Constitution remaining firm, the
 “ same two Houses of Parliament, the same taxes, the same customs, the same
 “ excises, the same trade in companies, the same municipal laws and Courts of
 “ Judicature, and all ours either subject to regulations, or annihilations : only
 “ we have the honour to pay their old debts, and to have some few persons
 “ present for witnesses to the validity of the deed, when they are pleased to
 “ contract more.

“ Good God ! What, is this an entire surrender ?

“ My Lord, I find my heart so full of grief and indignation, that I must
 “ beg pardon, not to finish the last part of my discourse, that I may drop a
 “ tear as the prelude to so sad a story.”

After having sat down, and some discourses by other members intervening,
 he continued his discourse thus :

“ My Lord Chancellor, what I am now to say, relates to the method of pro-
 “ ceeding in this weighty affair : I hear it proposed by a noble member of
 “ the other side, that we should proceed in the same order as the Lords Com-
 “ missioners treaters did. In my humble opinion, my Lord, it is neither the
 “ natural method, nor can it be done without great confusion and repetition.
 “ To say, you’ll agree to the Union of the two kingdoms, before you agree in
 “ the terms upon which they are to be united, seems like driving the plough
 “ before the oxen : The articles which narrate the conditions, seem to be the
 “ premises upon which the conclusion is inferred ; and, according as they
 “ are found good or bad, the success will follow. When a man is married to
 “ a fortune in England, as they call it, I suppose he is satisfied with the thing
 “ before he determines himself to marry ; and the proposal I have heard of
 “ agreeing to the first article, with a proviso, that, if the rest of the articles
 “ shall be found satisfactory, and not otherwise, is of a piece with the rest,
 “ and looks like beating the air, and no ways consistent with fair and square
 “ dealings. Besides, my Lord, if we were to go upon the first article, are not
 “ all the rest of the articles, besides many others not contained in the articles,
 “ valid arguments, either pro or con, against concluding, or not concluding,
 “ the first article ? and no vote in this House can hinder a man from making
 “ use of what arguments he thinks fit. Moreover, the searching the records,
 “ and the revising the statute books, comparing the books of rates, customs,
 “ excise, taxes, of both nations, with one another, must all be previously
 “ considered, ere we determine ourselves in one single article ; add to this, that
 “ the prohibitory clause, with relation to the trade of both nations, must be
 “ adjusted, lest, like *Æsop’s* dog, we lose the old, in grasping at the new ;
 “ the state of the English companies must also be exposed, how far we shall
 “ have liberty into them, and what advantage we may propose to ourselves,
 “ by

“ by trading to these places where they are secured ; and above all, my Lord,
 “ the security of our national church, and of all that’s dear unto us, must be
 “ previously established to us, if practicable, before we conclude the first
 “ article. Therefore, my Lord, though my particular opinion be, though
 “ we had a *cart blanche* from England ; yet the delivering up of our sovereignty
 “ gives back with one hand what we receive from the other, and that there
 “ can be no security, without the guarantee of a distinct independency betwixt
 “ the parties treating : yet, my Lord, for farther satisfaction to this honourable
 “ House, that every member may fully satisfy himself, I humbly propose,
 “ ‘ That, passing by the first three articles, which appear to be much of a
 “ ‘ piece, we begin at the fourth article of the treaty,’ and if I be seconded
 “ in this, I desire it may be put to the question.”

I shall make no remarks upon this last and famous speech ; the noble person that spoke it, however he happened to mistake in some things, was a person of extraordinary parts and capacity ; and as he was very warm against the Union, it made that opposition the more considerable.

This speech, the reader may see, was pointed directly against the Union ; and in the first part of it argues against the whole, in the last against the parts ; but concludes to move against the immediate proceedings.

The first speech was from a person no less capable in the matter of the treaty, and that had been a Commissioner in the treaty at London ; the speeches are directly opposite, and are left thus upon record to argue against one another.

The time had been taken up with their length, and the House, as well as the nation, was, at this time, in an unusual ferment, so not many replies were made. Mr. Seton, who made the first speech, stood up to answer the Lord Beilhaven ; but, as he had already spoken, the orders of the House, viz. “ That the same member could not speak twice in the same cause,” were urged against his speaking, and the Earl of Marchmont standing up to speak at the same time, the Lord Chancellor gave place to him ; who indeed made a very short return to so long a speech, and which answer occasioned some laughter in the House : The Earl of Marchmont’s speech was to this purpose, viz. He had heard a long speech, and a very terrible one, but he was of opinion, it required a short answer, which he gave in these words, “ Behold he dreamed, but lo ! when he awoke, he found it was a dream.” This answer, some said, was as satisfactory to the members, who understood the design of that speech, as if it had been answered vision by vision.

After these two speeches, several members spoke pro and con ; but the debate, in close of the day, turned so warm, that, at the desire of the House, it was adjourned to the next *sederunt*.

M I N U T E

M I N U T E X V.

Monday, November 4, 1706.

Prayers said.

Rolls called.

Then the following addressees were presented, viz. Addressees of barons, freeholders and others, within the shire of Stirling, subscribers of the same; addressees of barons, freeholders and others, within the shire of Dumbarton, subscribers of the same; addressees of the magistrates, town-council, deacons of crafts and burgessees within the burgh of Linlithgow, subscribers of the same; addressees of heritors and others, inhabitants of the town and paroch of Dunkeld, alias Caledonia, subscribers of the same; and an addressee of the town and paroch of Dysert, subscribers of the same, all against an incorporating Union with England, and were read.

Thereafter the first article of Union was again read, as also the motion mentioned in the last minute relating thereto, viz. “ That it be agreed to, in the
“ first place, to proceed to take the first article of the Union into consideration,
“ with this provision, that if the other articles of Union be not adjusted by the
“ Parliament, then the agreeing to and approving of the first shall be of no
“ effect; and that immediately after the said first article, the Parliament will
“ proceed to an act for security of the doctrine, discipline, worship, and go-
“ vernment of the church, as now by law established within this kingdom;”
and after some farther debate upon the said article, a resolve was offered in thir terms, viz. “ Whereas it evidently appears since the printing, publishing, and
“ considering of the articles of treaty, now before this House, this nation seems
“ generally averse to this incorporating Union in the terms now before us, as
“ subversive of the sovereignty, fundamental constitution, and Claim of Right
“ of this kingdom, and as threatening ruin to this church as by law established.

“ And since it is plain, that if an Union were agreed to in these terms by
“ this Parliament, and accepted of by the Parliament of England, it would
“ in no sort answer the peaceable and friendly ends proposed by an union;
“ but would, on the contrary, create such dismal distractions and animosities
“ amongst ourselves, and such jealousies and mistakes betwixt us and our neigh-
“ bours, as would involve these nations into fatal breaches and confusions :

“ Therefore, Resolved, That we are willing to enter into such an Union
“ with our neighbours of England, as shall unite us entirely, and after the
“ most strict manner, in all their and our interests of succession, wars, alliances,
“ and trade, reserving to us the sovereignty and independency of our crown and
“ monarchy, and immunities of the kingdom, and the constitution and frame
“ of the government both of Church and State, as they stand now established
“ by our fundamental constitution, by our Claim of Right, and by the laws

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following

“ following thereupon; or resolved, that we will proceed to settle the same
 “ succession with England, upon such conditions and regulations of govern-
 “ ment, within ourselves, as shall effectually secure the sovereignty and inde-
 “ pendency of this crown and kingdom, and the indissoluble society of the
 “ same, with the fundamental rights and constitutions of the government both
 “ of Church and State, as the same stands established by the Claim of Right,
 “ and other laws and statutes of this kingdom.”

Which being read, and after debate thereon, the vote was stated, “ Ap-
 “ prove of the first article of the Union in the terms of the motion, yea or
 “ not.”

But before voting, the Duke of Athole gave in the following protest, viz.
 “ That he for himself and all others who shall adhere, protested, that an in-
 “ corporating Union of the crown and kingdom of Scotland, with the crown
 “ and kingdom of England; and, that both nations should be represented by
 “ one and the same Parliament, as contained in the articles of the treaty of
 “ Union, is contrair to the honour, interest, fundamental laws, and constitu-
 “ tion of this kingdom, the birthright of the peers, the rights and privileges
 “ of the barons and boroughs, and is contrair to the Claim of Right, property,
 “ and liberty of the subjects, and third act of Her Majesty’s Parliament, one
 “ thousand seven hundred and three, by which it is declared ‘ high treason,
 “ ‘ in any of the subjects of this kingdom, to quarrel, or endeavour by writ-
 “ ‘ ing, malicious and advised speaking, or other open act or deed, to alter or
 “ ‘ innovate the Claim of Right, or any article thereof;’ and reserving liberty
 “ to him, and his adherents, to renew their protestation against farther pro-
 “ ceedings in the said matter, and to adjoin their reasons for the same, and de-
 “ fired this his protestation to be marked in the records of Parliament.”

Which being read, the said Duke of Athole took instruments thereon; and the
 Duke of Hamilton, Marquis of Annandale, Earl of Errol, Earl Marischal,
 Earl of Wigtoun, Earl of Strathmore, Earl of Selkirk, Earl of Kincardin,
 Viscount of Stormont, Viscount of Kilsyth, the Lord Semple, the Lord
 Oliphant, the Lord Balmerino, the Lord Blantyre, the Lord Bargany, the
 Lord Beilhaven, the Lord Colvil, and the Lord Kinnaird; George Lockhart,
 of Carnwarth; Sir James Foulis, of Collingtoun; Andrew Fletcher, of Sal-
 toun; Sir Robert Sinclair, of Longformacus; Sir Patrick Home, of Rentoun;
 John Sinclair, younger, of Stevenson; John Sharp, of Hoddam; Mr. Alexan-
 der Ferguson, of Isle; John Brishbain, of Bishoptoun; Mr. William Cochran,
 of Kilmaronock; Sir Humphrey Colquhoun, of Lufs; John Grahame, of Kil-
 lair; James Grahame, of Bucklyvie; Thomas Sharp, of Houftoun; Sir
 Patrick Murray, of Auchtertyre; John Murray, of Strowan; John More,
 of Stonywood; David Beaton, of Balfoure; Mr. Thomas Hope, of Rankeilor;

Mr.

Mr. Patrick Lyon, of Auchterhouse; Mr. James Carnegie, of Phinhaven; David Grahame, younger, of Fintrie; James Ogilvie, younger, of Boyn; Mr. George Mackenzie, of Inchcoulter; Alexander Robertson, Walter Stuart, Alexander Watson, Alexander Edgar, John Black, James Oswald, Robert Johnston, Alexander Duff, Francis Mollison, Walter Scot, George Smith, Robert Scot, Robert Kellic, John Hutchison, Mr. William Sutherland, Archibald Shiels, Mr. John Lyon, George Spence, Mr. William Johnston, Mr. John Carruthers, George Home, John Baine, and Mr. Robert Frazer, adhered thereto.

Then the vote was put, "Approve of the said first article of Union, in the terms of the motion, yea or not," and it carried, "Approve."

Moved, "That the list of the hail members of Parliament, as they voted pro or con, be printed," and it was agreed to.

Thereafter an overture for an act, for security of the true Protestant religion, and government of the church, as by law established within this kingdom, was read, and ordered to be printed.

Adjourned till Wednesday next at ten o'clock.

OBSERVATION XV.

It is very remarkable, that the addressees now began to throng upon the House, and we find them at the beginning of every vote. The debates of this day visibly discovered the reason and design of procuring these addressees, viz. that they might form an argument from the general aversions of the nation, and from thence, and the bringing the soldiers into the city, it was called a cramming the Union down their throats.

At the same time it was visible, there were such methods made use of to procure addressees; such want of hands; such kinds of people who signed; such a paucity of gentry, where the counties were full of gentlemen; and such varieties of circumstances concurring to make it appear that it was the laboured performance of a party, that it was thought they met with the less regard.

There were indeed, in several places, addressees prepared from the gentry of the country, for the encouragement of the treaty, but it was concluded to be needless, since that would have been a kind of telling noses without doors, and the party would have been pleased, to have had it pass for a sort of polling the nation, in which, they having before dissatisfied and alarmed the common people, they had the most hopes of success; this, therefore, was laid aside, as a step that would be of no use, and would put the Union upon a trial altogether inconsistent with the constitution, and, as it were, debate it a-la-mob.

And therefore, none of the addressees on the other side were presented, though I have the originals of some by me, which were actually signed by the country gentlemen, and which were highly expressive of their assent to the treaty, and of their reasons for it, some of which were particularly the danger of Popery, and of introducing the old tyranny in the Prince of Wales.

Nor can it but be reasonably supposed, that had the noblemen and gentlemen of Scotland, as well in the Parliament as without, who were hearty in the business of the Union, gone home, and raised their tenants, vassals, and dependencies, to have appeared for the Union, either in the addressees, or in the field, they would, taking it first, as much have overpowered the other party without doors, as they outvoted them within; since it was known, that except the Duke of Athole, the principal number of the opposers were not men of the greatest interest in their country, I mean, as to the command of their vassals and attendants.

But they never brought it to the extremity of that trial; and therefore the motions of the party, as to general averfions, being laid aside, they found themselves under a necessity of struggling in Parliament only.

The endeavours of mobbing the Parliament were suppressed, and the addressees obtained only a reading, but had no direct answer given to them, other than the proceedings of the House of course made out; the thing now to be carried on within doors was, to load the treaty with impracticable amendments, while the party without doors endeavoured, on the one hand, to raise tumults in the country, bring up popular addressees, and at last, downright rebellion, as in its place will appear: and, on the other hand, to displease and dissatisfy the Ministers, and bring them to appear publicly uneasy; of which we shall see farther in its place.

The debates of this day were very warm, and several long speeches were made, but it was impossible to obtain abstracts of speeches, which we could but just hear, and I shall not venture to injure either the speaker or hearer, by imposing my language upon them, to express what others said.

Long debates were offered to the second part of the vote above, viz. That the Union was impracticable; that the joining of nations could not be; would tend to confusion; and be necessarily broken, as in the vote. This was raised upon the aforesaid book of Mr. Hodges, and proved evidently, that it was not his hypothesis, but a concert of heads, and his interfering interests were here discoursed of.

I am not willing to examine into the inconsistencies of some people's notions, started here in matters of interests, and how they raised objections, which were not grounded on fact, especially in matters of trade; I bury them

them in silence, in respect to the gentlemen ; but it was next to miraculous to hear men of sense alledge, that England got nothing by her West-India trade, that most of her foreign trade was engrossed by the exclusive companies, that Scotland got nothing by trading with England, that Scotland could gain by any foreign trade but England, and the like ; these things will more evidently be detected hereafter.

In short, a fœderal Union was offered—that was understood—any thing but the right, any thing but the treaty now begun ; because, could they have obtained a vote against the present treaty, the gaining time for another Parliament had followed, and the design of putting off, or delaying time, had taken effect.

Some gentlemen, with extraordinary reason and force of argument, endeavoured to explain to them the absurdities and inconsistencies of that project, and put the House in mind, that it was not a fœderal union, or a better union that those gentlemen desired, but really no union at all ; and that the design was to defeat the endeavours of the Union only, in order to bring in French bondage, and King James VIII. upon them.

Upon the whole, the other party soon saw in the House it would go against them, and therefore, before it was put to the vote, the Duke of Athole gave in his protest, as in the vote, together with the whole party of opposers, on whatsoever principle they opposed ; which protest they had ready concerted before, expecting, as was supposed, things would go as they did, and that they should be overpowered in the House.

I cannot but note here, that this great debate, and on which the whole weight of the matter depended, happened on that famous day to Britain, I mean the very day on which the Prince of Orange, afterward King William, came to England ; and was also the birth-day of that glorious Monarch.

On the same day, now a second time, the fate of Britain had a new turn, and the success of that gave a pleasant presage to many observing people of the future happy issue of the thing now in hand.

The gentlemen, who let slip no occasion to puzzle the debates of this matter, had now conceived great hopes of a broil among the Ministers, and were exceeding busy to fill the heads of some of the gentlemen of the clergy with jealousies and dissatisfactions ; and yet I cannot say they brought in the overture at this time, though they were always forward to push on that side too.

I cannot say neither that they met with no encouragement here, or that there were no warm heads to be found in the commission, who, apter to take fire than was to be wished, were more easily gained ; but if there were any such, the prudence and moderation of the rest of the commission so overruled them, as kept them from any precipitations, and contributed greatly to the general safety ; of which I have spoken more largely in its place.

M I N U T E X V I .

Wednesday, November 6, 1706.

Prayers said,

Rolls called.

The Lord Chancellor moved, “ That albeit he had no opportunity to vote for approving of the first article of Union ; yet he desired his name to be recorded, and to be printed with those who voted approve ;” and the same was agreed to.

Address of the Commissioners to the general convention of the royal boroughs, subscribed by the preses of the convention, against concluding such an incorporating Union, as is contained in the articles proposed, given in and read.

Then the following addresses were given in, viz. Address by barons, freeholders, and others, within the shire of Renfren, subscribing the same ; address by barons, freeholders, and others, within the shire of Fife, subscribing the same ; and an address by the magistrates of the burgh of Falkland, counsellors and inhabitants therein, and of heretors within the paroch thereof, subscribing the same ; all against allowing of an incorporating Union, in the terms contained in the articles, with England, and were all read.

And an address by heretors, elders, and masters of families, within the paroch of Hamiltoun, subscribers of the same, that no Union be hastily entered into with England, also given in and read.

Act for security of the true Protestant religion and government of the church, as by law established within this kingdom, again read, and a first reading ordered to be marked thereon.

Adjourned till Friday next at ten o'clock.

O B S E R V A T I O N X V I .

The fatigue of the last day was so great, that both sides seemed, as it were, to take breath ; and little was done to-day, except reading the Church act.

My Lord Chancellor, like the speaker of the House of Commons, having no vote in the House, unless on an equal division, his Lordship's name could not be printed in the list of names ; but his Lordship's zeal was always remarkable in carrying on this Union ; and, in this in particular, his Lordship was resolved to let the world know he was not ashamed of the part he had taken in this affair, and therefore moved very honourably to have his name printed with the rest of the gentlemen who voted for the Union ; the list of whom I have put into the appendix to this work, because the vote upon this article

being the main trial of skill in the House upon the Union in general; and the House having ordered them to be made public with the minutes, it may not be amiss to let posterity see who and who were for or against.

There were several other lists printed upon the occasion of the following votes, as per the respective minutes will appear, which I have, for want of room, omitted: the present list will be found marked—N. F x x.

MINUTE XVII.

Friday, November 8, 1706.

Prayers said.

Rolls called.

Representation and petition of the commission of the general assembly of this church, representing several difficulties in relation to some of the articles of Union, and craving suitable remedies, read.

Then the following addresses were given in and read, viz. Address of the inhabitants of the paroch of Tulliallan, subscribing the same; address of the magistrates, town-council, merchants, deacons of crafts, and other tradesmen and inhabitants, within the burgh of Dumferling, subscribers of the same; and an address by heretors, merchants, masters of ships, marines, and other inhabitants in the town of Borrowstounness, subscribing the same; all against allowing of an incorporating Union with England, upon the terms contained in the articles.

As also an address of the inhabitants of the paroch of Blantyre, subscribers of the same; and an address of heretors and commoners in the paroch of Avendale, subscribing the same, that no Union be hastily entered into with England, were likewise given in and read.

Thereafter an act for security of the true Protestant religion and government of the church, as by law established within this kingdom, was again read.

Moved, "That the consideration of the said act be delayed till next *sederunt*."

Moved also, "That the Parliament proceed to the consideration of the act for a supply."

And after some reasonings on these motions, it was agreed to lay aside the act for security of the Protestant religion and church government for this *sederunt*, and to proceed to the act for a supply; and accordingly the act for a supply was again read.

And it was agreed, that a supply of eight months cess should be granted to Her Majesty for the ends and uses mentioned in the act, extending to five hundred
and

and seventy-seven thousand sixty-six pounds thirteen shillings and four pennies, and that it should be payable at the terms following, viz. one month's supply the tenth of December for Martinmas next, one month and a half month's supply at Candlemas one thousand seven hundred and seven, one month and a half at Whitfunday, one month and a half at Lambmas, one month and a half at Martinmas the said year, and one month's supply at Candlemas one thousand seven hundred and eight.

Moved, "That, in place of the retention of a twelfth part of annual rents allowed by the above act for a supply, there be an allowance granted for retention of a sixth part of annual rents;" and after some reasoning thereupon, it was put to the vote, "Approve of the article anent the retention, or amend;" and it carried "Approve."

And after some amendments, the act was voted and approved.

Adjourned till to-morrow at ten o'clock.

O B S E R V A T I O N XVII.

I have already given an account of the birth of this paper, called The Representation and Petition, and the several difficulties it met with in the commission of the assembly, and which, some have said, was a reason why it met with less encouragement in the Parliament than was expected; but it may be worth notice, that notwithstanding it did not meet with a very kind reception, some of the gentlemen having been disoblighd in the case of their protest, yet the House did not wholly omit the things desired in it.

Some of the gentlemen, who, as ruling elders, had protested in the commission, had, it seems, met with some personal reflections from the rashness of some members; that was disoblighing enough, and upon which they had withdrawn themselves from the commission, and seldom, if at all, came there any more during the whole sitting; and though the rashness of the persons who gave those reflections was not approved by the commission, yet it stuck a little too close with some people, and, it was thought, made them less careful of the application made by the Ministers in this case.

Upon the receiving the representation or petition into the House, there were no debates of any consequence, it was only read; and the act of Security being as per the minutes adjourned, the other lay by of course.

The money bill now came on; and as the other party thought the speeding of it might be a step to put an end to the session, they all came into it, and gave it all the dispatch possible.

It

It was apparent, that in order to break up this treaty, the gentlemen studied all possible methods to raise the Parliament : this they could never have done while the funds remained unsettled, because it being a thing of such consequence to the kingdom, the whole country would have laid it at their door, and the Queen would have had the highest affront put upon both her person and government imaginable ; and therefore this was one of the first things they pushed at, and that made it pass immediately with no opposition at all, those gentlemen complying with it, as it was removing an obstruction to their general design.

M I N U T E XVIII.

Saturday, November 9, 1706.

Prayers said.

Rolls called.

The act for supply was touched with the scepter by Her Majesty's High Commissioner in the usual manner.

Thereafter the following addresses were given in and read, viz. Address by the provost, bailiffs, town-council, and burghesses, of the burgh of Forfar, subscribing the same ; address of heretors and commons in the paroch of Cambusnethan, subscribing the same ; address of the heretors, elders, and heads of families, of the paroch of Cambuslang, subscribers of the same ; address by heretors, session and inhabitants, of the paroch of Kilbryde, subscribing the same ; address of the heretors, elders, and masters of families, in the paroch of Bothwell, subscribing the same ; and an address by heretors and commons, in the paroch of Old Munkland, subscribing the same : all against entering into an Union with England in the terms of the articles.

Thereafter the act for Security of the true Protestant religion and government of the Church, as by law established, within this kingdom, was again read ; and upon reading the first clause thereof, it was moved, " That there should be a particular enumeration made of all the acts in favour of the kirk ;" and after some reasoning thereon, the vote was stated, " Approve of the clause as it stands, or amend and enumerate the acts ;" and it carried " Approve."

Then the second clause of the said act was read and agreed to.

And upon reading the third clause, it was moved, " That an additional clause be added for securing the continuance of the universities and colleges of this kingdom ;" and thereupon an amendment being made in thir terms, " That the universities and colleges of this kingdom, viz. of St. Andrews, Glasgow, Aber-

“ deen, and Edinburgh, as now established by law, shall continue within this kingdom for ever :” after some debate thereupon, the vote was put, “ Approve of the clause as amended, or not ;” and it carried “ Approve.”
Adjourned till Tuesday next at ten o’clock.

O B S E R V A T I O N XVIII.

The amendments here made to the act for security of the church, make it evident, that the Parliament did not slightly pass over that affair, as some people pretended they would do, though they did not enter into the debate of the insufficiency which some offered, as things which tended not to amendments of the act as it was offered, but to a rupture of the debate ; for the people who offered at the insufficiency of the act went upon this foot ; not that this overture or act was an insufficient security, but that really the Union with England, as an episcopal nation, was inconsistent with the safety of the church of Scotland ; and that not this act only was, but any other act that could be made, would be insufficient to secure the church of Scotland.

This appeared to be the plain design, in that, as I have already noted, the gentlemen that spoke loudest for the insufficiency of the act of Security, were not of those people who really were most concerned for the safety of the church of Scotland ; the objections also were not calculated for amendments or additions, but for destroying the bill itself, as built on the supposition of an Union, which, they said, was a foundation that would not bear such a superstructure : and though some well-meaning men too were of opinion that the church of Scotland could not really be safe in an Union with England, yet these gentlemen, as is noted, applying it purely as an obstacle to the Union, and as a thing, by which means they hoped to render the Union universally odious and terrible to the people.

And this will be more apparent from the protest entered into, after all the clauses were read, and after all amendments that could be reasonably desired, were agreed to, as will appear in the next day’s minute.

MINUTE

M I N U T E X I X .

Tuesday, November 12, 1706.

Prayers said.

Rolls called.

The following addressees were given in and read, viz. Addressees of the magistrates, town-council, merchants, deacons of crafts, and other inhabitants within the burgh of Crail, subscribing the same; addressees of heretors and commons in the paroch of Easter-Munkland, subscribers of the same; addressees of heretors and commoners in the paroch of Shotts, subscribing the same; addressees of heretors and commoners of the paroch of Dalserf, subscribing the same; addressees of heretors and commoners in the paroch of Stenhouse, subscribers of the same; addressees of a body of people in the south and western shires, subscribed by Mr. John Hepburn and other seven persons; and an addressees of the magistrates, town-council, and other inhabitants of the burgh of Kircudbright, subscribers of the same; all against allowing an Union with England in the terms of the articles.

Thereafter the Parliament proceeded to the farther consideration of the act for security of the true Protestant religion, and government of the church as by law established within this kingdom, and the fourth clause thereof again read; whereupon it was moved that a clause should be added in their terms, "And that they shall be capable of any office, civil or military, and to receive any grant, gift or right, and to have command or place of trust from and under the Sovereign within any part of Great Britain:" and after debate thereupon, it was put to the vote, "Add the above clause, or not;" and it carried "Not." And the clause as it stood in the draught of the act agreed to.

Then the fifth clause of the act was also read, and agreed to, with some amendments.

And the next clause being again read and amended, was likewise agreed to.

Whereupon the whole act was again read, as also the last representation and petition of the Commission of the General Assembly of the Church, and a vote was thereupon stated, "Approve the act, or not."

But before voting, the Lord Beilhaven gave in a protestation in their terms: "That he did protest in his own name, and in name of all those who shall adhere to him, that this act is no valid security to the church of Scotland, as it is now established by law, in case of an incorporating Union, and that the church of Scotland can have no real and solid security by any manner of Union, by which the Claim of Right is unhinged, our Parliament incorporated, and our distinct sovereignty and independency abolished;" which being read, he took instruments thereupon: and the Duke of Hamilton, the Duke of

Athole, the Marquis of Annandale, the Earl of Errol, the Earl Marischal, the Earl of Wigtoun, the Earl of Selkirk, the Earl of Kincardine, the Viscounts of Stormount and Kilfyth, the Lord Oliphant, the Lord Blantyre, the Lord Colvil, the Lord Kinnaird, Andrew Fletcher, of Saltoun; John Brisbane, younger, of Bishoptoun; Mr. William Cochran, of Kilmaronock; Sir Humphrey Colquhoun, of Lufs; Robert Rollo, of Powhouse; John Murray, of Strowan; Francis Molison, Mr. John Carruthers, and George Home, adhered thereto.

Moved, "That all the members should be marked, as they should approve the act or not, and also as they should adhere to the protest, and that the list of the members, as they shall vote pro or con, shall be printed and agreed to." Then the vote was put, "Approve, or not;" and it carried "Approve." Adjourned till Thursday next at ten o'clock.

OBSERVATION XIX.

The reading of the act of Security having been begun last day, several amendments were offered, such as, first, the enumerating the acts of Parliament upon which it was grounded; this admitted no long debates; if it had had any signification, it would have been granted, but it was generally esteemed a thing of no value, merely unnecessary and trifling, and as such was rejected: The reason given was, because one act is particularly specified to be ratified by this treaty, to wit, the 4th act of the 1st Parliament of King William and Queen Mary, intitled, "An act ratifying the confession of faith, and settling Presbyterian church government;" and then it mentions, "With the hail other acts relating thereunto," which was thought sufficient and full enough.

The next amendment was for the colleges, which was found reasonable, and was hinted by some, who had, not without just cause, observed how much the schools of the Dissenters in England are regretted by some people, who envy the increase of their number; and this therefore, as a most reasonable demand, was immediately agreed to by the Parliament, and is made part of the act, as will appear by the draught of the bill.

The fourth clause had an objection of greater moment depending on it, which caused long debates, and was built on a foundation, however plausible and just in itself, had yet such a known impossibility before it, morally speaking, as that no small hopes were conceived from it, that it would shock the whole treaty.

All men know, that in England, by the Test Act, as it is called, all persons that obtain any office, civil or military, &c. are obliged to take the sacrament, according to the usage of the church of England, and to bring certificates, &c. of the same, under pain of incapacity, among other penalties:

Now

Now it was a most plausible argument, that, if the subjects of both kingdoms were to enjoy equal privileges, the subjects of Scotland taking the sacrament in the national church of Scotland, ought to be as capable of places or offices, &c. as the subjects of England taking the sacrament in the national church of England.

Nor was this matter carried a little way, but became the subject of infinite discontents without doors, and of long disputes within; it was suggested and printed too, by the same author, of whom mention is already made, as writing against the Union, That all the members of Parliament in England were obliged to take the sacrament before they could sit in the House, but this, as false in fact, was crushed at first, several accounts being given of its being quite otherwise; but then this clause coming in upon the neck of that surmise, it was thought a popular argument, and indeed was so: And the people began to be very uneasy about it, said the Parliament would give up all to the English; that this was so fair a thing, it could not be argued against; and indeed a great many people looked upon the thing, viz. taking of the English Test, as what they wished earnestly enough to have done; but the more penetrating judgements saw farther into the depth of this; and finding it a design purely striking at the root of the Union, they were the rather inclined to drop it, though they at the time desired it; the difficulty lying in this, that the sacramental Test being a thing the English Parliament have been very tenacious of, upon all occasions, this would be to ask something which they knew would not be granted, and consequently put the treaty to a stop.

Others again proposed a reciprocal test to be placed in Scotland, to secure or exclude all such of the English nation as would not acknowledge this church, &c. The tenor of this was according to the following copy, which they called a Formula:

“ I A. B. do swear and declare, That the Presbyterian government of this church is a lawful government, and that I shall neither directly nor indirectly do any thing to the alteration thereof.”

But this also dropped of itself; for some people that were nevertheless against the Union, yet were against this sort of reciprocal oath, as a thing they did not approve on any account, one or other.

There were some small amendments to the fifth and sixth clauses, but not of consequence; and thus this difficult matter was passed into a law.

There were some who clamoured very much on this head, and a great many personal reflections were made, I will not say, altogether without cause, viz. That the church was abandoned by her own friends, or at least by those who pretended to be so; that, if they had asked more, it might have been

been obtained ; and that the demands the Ministers made, were not duly weighed, much less answered ; but yet it seems, on the whole, that the main foundation article, viz. the establishment of the church government unalterable, was effectually secured ; and though some particulars might be omitted, the church has no open place left, at which her enemies can wound her constitution.

There were great clamours raised, both within and without the House, about the insufficiency of this Act of Security, as that it was lessening the security the church already had by the Claim of Right, and not providing an equivalent security in the room of it ; that the very treating of it implied a farther security was needful, and yet no farther security was provided than alone confirming the Claim of Right.

This was the foundation of the proposal of the reciprocal test, or an oath to secure the church of Scotland, in like manner as the Test act is for the security of the church of England. Of which above.

Another objection was, that though indeed the act of William and Mary was confirmed, yet, that the act declaring it to be high treason to impugn the Claim of Right was not confirmed, nor the other acts relating thereto specified ; nor some ancient obsolete acts taken away, which stand unrepealed, and which are inconsistent with Presbyterian government.

This was answered, particularly as to enumerating the acts as above, and as to repealing the acts, the twenty-fifth article of the Union declares all acts contravening this treaty to be, so far as they do so contravene this treaty, *ipso facto* repealed, &c.

Again it was objected, that there was no provision made for prevention of mischief to the church, for want of a commission or court for plantation of kirks, and valuation of teinds, which is what the church will be in great want of.

This was effectually answered, by settling an act of Parliament, previous to the Union, for the plantation of kirks, and valuation of teinds, empowering the Lords of Council and Session to judge, cognosce, and determine in all affairs and causes whatsoever, which, by the laws and acts of Parliament of this kingdom, were formerly referred to, and did pertain and belong to the jurisdiction and cognizance of the Commissioners formerly appointed for that effect, as fully and freely in all respects, as the said Lords do or may in other civil causes.

The great and main objections were against the possibility of either Church or State being secured so by this treaty, as that a British Parliament might not overwhelm it again by plurality of voices, which is a supposed consent.

This, as the same with the general objection against the Union, was answered in the general terms of the Union, viz. that this was to remain unalterable for ever, and therefore could not be supposed to be temporary.

Upon the debate of those things it is plain, what I have so often alledged on those gentlemen, and which therefore is not putting it as my opinion, which I am not at all forward to offer to the world : but it appears, that the objection of the gentlemen did not so much lie against particular clauses, though they thought fit to dispute their ground by inches thereto, but this objection lay against the general head, the Union, and they brought every head, as they went through them, to shock directly with the whole treaty.

Thus in the protest given in here by the Lords dissenting, it is expressly said, that the church of Scotland can have no real and solid security, by any manner of Union, &c. as per the minute.

Also it is to be noted here, that the gentlemen of that side were the first who moved to print the names of all those that voted to the first article, pro and con, which was thought at that time a day, an exposing the persons to the popular resentment, the tumults of the people beginning to be at that time very high.

But the other party, who had agreed voluntarily to the said printing of names, took the advantage now, and moved, That the same might be done also in the vote about the church, by which the episcopal party were brought in, protesting in behalf of the church : the gentlemen would have avoided it, but having been the first in putting the like upon the other, they could not shun it : this exposed them very much, and opened the eyes of many of the people, when they saw such people voting for the church, who never owned the church in their lives ; and others voting against the thing, who were constant members of the church, and had given constant proof of their zeal for the church's advantage.

And thus the Act of Security was past, and after engrossed into the body of the articles, as will appear by the act of Parliament.

M I N U T E XX.

Thursday, November 14, 1706.

Prayers said.

Rolls called.

The Lord Chancellor moved, “ That albeit he had no opportunity to vote for approving the act ‘ For security of the true Protestant religion and government of the church of Scotland as now by law established ;’ yet he desired his name to be recorded as an approver, and to be printed among those ‘ voted approve ;’ and the same was agreed to.

Then

Then the following addressess were given in and read, viz. Address of the parochiners of Covingtoun, Carstairs, and Symontoun, subscribed by the same; address of parochiners of Libertoun, Quothquan, and Dunsyre, subscribers of the same; address of the magistrates, gentlemen, heretors, burgeses, and inhabitants, within the burgh and paroch of Rutherglen, subscribing the same; address of the parochiners of Carnwarth, subscribers of the same; and an address of barons, heretors, and freeholders, within the sherrifdom of Lanerk, subscribers of the same: all against allowing an union with England in the terms of the articles.

Thereafter the second article of the Union again read, whereupon a motion was made in thir terms; "That before any vote upon the second article of Union, it be insert in the minutes as a preliminary, that the agreeing to the second article of the treaty, in relation to the succession to the crown of Great Britain, shall not be binding or have any effect, unless terms and conditions of an union of the two kingdoms be finally adjusted and concluded, and an act pass thereupon in this Parliament; and that the said terms and conditions be also agreed to and ratified by an act of the Parliament of England."

As also a resolve was given in in thir terms, viz. "Resolved, that this House will proceed to the consideration of the articles in the treaty which relate to trade and taxes, before any of the other articles;" which being read,

After some debate thereupon, the vote was stated, "Proceed to the consideration of the second article of the Union in the terms of the above motion," or "Proceed to the consideration of the fourth and other articles of the treaty which relate to trade and taxes."

And before voting it was agreed, that the members should be marked as they vote, and that the list of their names should be printed accordingly.

Then the vote was put, "Proceed to the second article of union in the terms of the preliminary motion," or, "Proceed to the fourth and other articles;" and it carried, "Proceed to the second article of Union.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XX.

The observations on this day are referred to the next, there being nothing done but the vote to proceed.

The opposition to this vote was in order, if possible, to have delayed the affair of the succession, to have kept the Jacobite party expecting, and consequently adhering to them in the opposition; but they fell out quickly, as will appear in the next minute.

M I N U T E XXI.

Friday, November 15, 1706.

Prayers said.

Rolls called.

Representation and petition of the commission of the General Assembly of this church, representing the increase of popery, prophanity, and other irregularities; and craving the same may be restrained; and that the succession to the crown may be established in the Protestant line, read, and remitted to the Committee for examining the calculation of the equivalent, to consider of proper methods of suppressing Popery, prophanity, and other irregularities; and for execution of the laws already made; and to consider what laws may be farther necessary for the effectual suppressing thereof and preventing the same.

Then the following addresses were given in and read, viz. Address of merchants and trades of the city of Glasgow, subscribers of the same; address of feuars, masters of families, and other inhabitants of Gorbels and mure thereof, subscribing the same; address of the parochiners of Biggar, subscribers of the same; and two several addresses of Barons, heritors, and freeholders of the shire of Lanerk, subscribing the same: all against allowing an union with England, in the terms of the articles.

Thereafter the second article of Union was again read, with the preliminary motion mentioned in the former day's minutes.

Wherupon it was moved "That the Parliament do proceed to settle the succession upon regulations and limitations in the terms of the resolve given in and narrated in the minutes of the fourth of November instant, and not in the terms of the second article of Union."

Moved also, "To address Her Majesty, and to lay before her the condition of the nation, and the great aversion in many persons to an incorporating Union with England; and to acquaint Her Majesty, of the inclinations and willingness to settle the succession in the Protestant line, upon limitations; and in order thereto, that some recess be granted."

And after debate upon these several motions, a vote was proposed, "Approve of the second article of Union, in the terms of the preliminary motion inserted in the former day's minutes or not."

And after some further debate, there was a second state of a vote offered in these terms, "Address or not."

And after some reasoning, which of the two should be the state of the Vote, it was put to the vote, "Whether first or second;" and it carried, "First."

Y y

But

But it being moved, "That some farther reasoning should be allowed, before the vote were stated for approving the second article of Union:" after some debate thereupon, it was agreed, that the English acts of Parliament mentioned in the second article of Union be read, and that immediately thereafter, without farther debate, a vote should be stated, "Proceed to call the vote for approving the second article of Union, or delay;" and it carried, "Proceed;" that the vote immediately thereafter, without any intervening debate, be put, "Approve of the second article of Union, in the terms of the preliminary motion mentioned in the last day's minutes, or not."

And accordingly the acts of the English Parliament mentioned in the second article of Union were read.

Thereafter the vote was put, "Proceed to call the vote for approving the said second article of Union, or delay;" and it carried, "Proceed."

Then the vote was put, "Approve the second article of Union in the terms of the preliminary motion insert in the last days minutes, yea or not."

But before voting, the Earl Marischal gave in the following protest; whereby he did protest for himself, and all those who shall adhere to this protestation, "That no person can be designed a successor to the crown of this realm, after the decease of Her Majesty (whom God long preserve) and failzieing heirs of her body, who is successor to the crown of England; unless, that in this present session of Parliament, or any other session of this or any ensuing Parliament during Her Majesty's reign, there be such conditions of government settled and enacted, as may secure the honour and sovereignty of this crown and kingdom; the freedom, frequency, and power of Parliament; the religion, liberty, and trade of the nation, from English or any foreign influence." Which being read, he took instruments thereupon; and the Dukes of Hamilton and Athole, the Earls of Errol, Marischal, Wigtoun, and Strathmore; the Viscounts of Stormont, and Killyth, the Lords Saltoun, Semple, Oliphant, Balmerino, Blantyre, Bargany, Colvil, and Kinnaired; George Lockhart, of Carnwarth; Andrew Fletcher, of Saltoun; Mr. Alexander Ferguson, of Isle; John Brishbain, younger, of Bishoptoun; Mr. William Cochran, of Kilmaronock; John Grahame, of Killairn; James Grahame, of Bucklyvie; Robert Rollo, of Powhouse; John Murray, of Strowan; James More, of Stonywood; Mr. Thomas Hope, of Rankellor; Mr. Patrick Lyon, of Auchterhouse; Mr. James Carnegie, of Phinhaven; David Grahame, younger, of Fintrie; James Ogilvie, younger, of Boyn; James Sinclair, of Stempster; Mr. George Mackenzie, of Inchcoulter; Alexander Edgar, James Oiswald, Alexander Duff, Francis Mollison, George Smith, Robert Scot, Robert Kellie, John Hutchison, Archibald Shiells, Mr. John Lyon, Mr. John Carruthers, George Home, John Baine, and Mr. Robert Frazer, adhered thereto.

And

And it was agreed, that the members shall be marked as they shall adhere to the protest; and also as they shall vote approve or not, and the list of the members' names as they shall vote pro or con, be printed.

Then the vote was put, "Approve or not," and it carried "Approve."

And the Lord High Chancellor was allowed to have his name printed and recorded as an approver; as also to be recorded and printed amongst those who voted, "Proceed to the second article the last *sederunt*."

Adjourned till Monday next at ten o'clock.

OBSERVATION XXI.

The debates of this day made yet a larger discovery of the affair; and the gentlemen who were against the Union struggling, on all occasions, against the going on of the articles, took now a new measure.

The Marquis of Annandale made this motion for the succession, as appeared by the Lord Beilhaven's speech: there had been a party of gentlemen, as was before observed, who were always for the succession with limitations, but were opposed by others who were entirely against the succession at all, as it respected the House of Hanover: but as several people differing in their other sentiments, yet joined in their opposing the Union, so here the strongest opposers of the succession came now into the thing they had so long opposed, and moved now for the succession with limitations, in order to avoid the Union.

My Lord Beilhaven seconded this with another speech, which was afterward printed; in which his Lordship moved for settling the succession upon the Princess Sophia of Hanover, &c. I have printed this speech the rather, because it is really the substance or recital of three speeches, as will be seen in the particulars of it, and shews plainer than I can otherwise express, how that part was acted.

" My Lord Chancellor,

" Your Lordship may remember the last day, when we had under consideration, whether to proceed to the fourth or second article, that I did witness my concern and repentment, to find so many honourable and worthy members of this House so forward to finish the demands of England in this treaty, without taking notice of any one article that could be properly said to relate to the demands of Scotland.

" Now that we are entered upon the second article, I desire to be resolved in one question: What are the motives that should engage us to take England's succession upon their own terms? Is it not strange that no answer

“ should be given to this question, save that, When you come to consider
 “ the rest of the articles, you shall be satisfied on that demand. This is a
 “ new way of arguing, my Lord ; a method without precedent, ranversing
 “ nature, and looks more like design than fair dealing. I profess I think
 “ the huge and prodigious rains that we have had of late, have either drowned
 “ out, or found out another channel for reasoning, than what was formerly ;
 “ for by what I can see by this new method, the agreeing to the first article
 “ shall be found a sufficient reason why we should agree to the second, and
 “ the agreeing to the second for the third, and so for all.

“ If there was ever such a farce acted ; if ever reason was Hudibrafed,
 “ this is the time : consult all the treaties since the beginning of the world
 “ to this day, and if you can find any one precedent, I shall yield the
 “ cause.

“ I shall instance, my Lord, one for all, and that is, the first and worst
 “ treaty that ever was set on foot for mankind ; and yet, I am sorry to say it,
 “ there appears more ingenuity in it than in our procedure. When the Ser-
 “ pent did deceive our mother Eve, he proposed three advantages before he
 “ presumed to advise her to eat the forbidden fruit : the first was taken from
 “ the sight, the second from the taste, and the third from the advantage fol-
 “ lowing thereupon. That from the sight was enforced by a ‘ Behold, how
 “ lovely and comely a thing it is ! it’s pleasant to the eye.’ That from the
 “ taste, from a persuasion that it was good for nourishment ; ‘ It’s good for
 “ food.’ That from the advantage, ‘ It will make you wise, ye shall be as the
 “ gods ; therefore, upon all these considerations, eat.’

“ Allow me, my Lord, to run the parallel of this with relation to our pro-
 “ cedure in this treaty.

“ Upon the first account that our nation had of the treaty’s being finished
 “ betwixt the two nations, people appeared all generally very well satisfied,
 “ as a thing that would tend to the removal of all jealousies, and the set-
 “ tling a good understanding betwixt the two kingdoms : but so soon as the
 “ articles of the treaty appeared in print, the very sight of them made such
 “ a change as is almost inconceivable ; they were so far from being plea-
 “ sant to the eye, my Lord, that the nation appears to abhor them.

“ One would think, my Lord, that it had been the interest of those who
 “ are satisfied with the thing, to have gone immediately into the merits of
 “ these particular articles which relate to Scotland, and to have said, Gen-
 “ tlemen, be not affrighted with their ugly shape, they are better than they
 “ are bonny ; come, taste ; come, make a narrow search and inquiry ; they are
 good

“ good for Scotland ; the wholesomest food that a decaying nation can take :
“ You shall find the advantages, you shall find a change of condition, you
“ shall become rich immediately ; you shall be like the English, the most
“ flourishing and the richest people of the universe.

“ But our procedure, my Lord, hath been very far from the prudence of
“ the Serpent ; for all our arguments have run upon this blunt topic, Eat,
“ swallow down this incorporating Union ; though it please neither eye nor
“ taste, it must go over : you must believe your physicians, and we shall con-
“ sider the reasons for it afterwards.

“ I wish, my Lord, that our loss be not in some small manner proportion-
“ able to that of our first parents ; they thought to have been incorporate with
“ the gods : but in place of that, they were justly expelled paradise, lost
“ their sovereignty over the creatures, and were forced to earn their bread
“ with the sweat of their brows.

“ My Lord Chancellor, I have heard a proposal made from the other side
“ by the Marquis of Annandale ; that, in place of agreeing to this second
“ article, wherein the succession is to be declared, as a consequence of our
“ being united to England in one kingdom, we should immediately go to
“ entail our crown upon the illustrious family of Hanover, upon such condi-
“ tions and limitations as are in our own power to make, for the security of our
“ sacred and civil concerns. I think this is the import of what his Lordship
“ gave in, by a resolve formerly, and hath told this honourable House, that
“ he thinks he acts consequentially to his former declared principles, and
“ that this is now the only measure which can settle and secure the peace and
“ quiet of this nation, and fix a firm security for the Protestant interest, and
“ a perfect understanding betwixt the two nations.

“ I have also heard a discourse by his Grace the Duke of Hamilton,
“ shewing, that ever since his Grace had the honour to be a member of this
“ honourable House, he had made it his business to serve the Sovereign and
“ his Nation faithfully and honestly, without any by-ends, by-views, or
“ self-interests ; that before the affair of the succession was tabled in Scot-
“ land, he had endeavoured to promote the interest of his nation, by good
“ laws, and by the best counsels he was capable to give, for rectifying things
“ amiss, and advancing the solid interest of his country ; that since the affair
“ of the succession came to be considered, he could never give himself the li-
“ berty to believe, but that previous to any settlement, we ought to have
“ had such condescensions with relation to trade and commerce from Eng-
“ land, as might retrieve the losses the nation hath sustained from them ever
“ since the Union of the two Crowns under one Sovereign ; and that there-
upon,

“ upon, to prevent all faction and party in the treating of an affair of such
 “ importance, he had freely left the nomination of the Lords Commissioners
 “ to Her Majesty, and wishes the choice had been answerable to his design;
 “ but none can accuse him as bargaining for himself, since he has no reason
 “ to complain of the breach of any stipulation upon that head; that now
 “ having considered the articles of this treaty lying before us, and the fatal
 “ consequences that may follow upon the finishing of an incorporating Union
 “ with England, with the general averfation that appears by the addressees
 “ from the several shires of the kingdom, and particularly from the address
 “ of the Commission of the General Assembly, and of the royal boroughs of
 “ Scotland, he finds it necessary to alter his thoughts of that matter; that
 “ he was none of those who loved to keep things loose and in confusion: he
 “ had an estate in both kingdoms, and therefore it was not to be supposed
 “ he would make use only of a treaty to throw out the succession one time,
 “ and of the succession to throw off the treaty another time. Therefore,
 “ to prevent worse consequences, he is content, that in this Parliament, the
 “ succession be declared and settled upon the illustrious Princess Sophia
 “ Electress of Hanover, and the heirs of her body, upon such conditions
 “ and limitations as shall be found necessary by this Parliament, to secure
 “ our civil rights and liberties, the independency and sovereignty of the
 “ nation, and the Presbyterian government of this church, as it is founded
 “ upon the Claim of Right, and established by law, and whose privileges
 “ and settlement he resolves to support with the utmost of his power.

“ And therefore, his Grace thinks himself obliged, with all humility in
 “ this present juncture of affairs, to address himself particularly to His Grace
 “ my Lord Commissioner, and to beg of His Grace, that he would be
 “ pleased to acquaint Her Majesty with the true state of the nation, and
 “ with the proposal made for allaying the present ferment, and settling a
 “ solid peace and good understanding betwixt her two kingdoms, and that
 “ a small recess may be granted in the mean time, till Her Majesty’s gracious
 “ answer come, which, with all submission, he conceives will prevent these
 “ bad consequences that the farther pushing on of this treaty may occasion.
 “ I think, my Lord, this is materially what His Grace said, though not so
 “ fully nor so well expressed.

“ Now, my Lord, it remains that I give account of myself, and of my
 “ own opinion of this affair: All who know me, my Lord, know that I have
 “ been from the beginning on a revolution foot; I ventured my life and for-
 “ tune with the first, and I have ever since acted consequentially to my prin-
 “ ciple. It’s true, I was never a good courtier under any reign, because I
 had

“ had a rule for my obedience, and never made obedience my rule ; my re-
 “ putation was never stained, nor had I ever any reproach laid upon me,
 “ save when I was brought in, head over ears, in a Scots plot, a plot, very
 “ well known, designed to blast the reputation of a set of people the best
 “ affected to the sovereign, and to the true interest of their nation, that ever
 “ Scotland bred. What my opinion was with relation to the succession is
 “ very well known also : I looked upon limitations with another eye than
 “ some others were pleased to do ; I was far from treating them in ridicule ;
 “ because, as all human affairs, they are liable to alterations, and might be
 “ taken off : that argument proves too much, and consequently proves no-
 “ thing at all. Should a man refuse to have a good estate settled upon him,
 “ because he may squander it away, and become bankrupt ? Must a good
 “ law be refused, because it may afterwards be repealed ? No, my Lord.
 “ Where the power is lodged in ourselves, we have all human security ima-
 “ ginable for the thing ; it is not so, where the power is lodged in others :
 “ therefore I shall alwise chuse that security which depends upon myself,
 “ preferable to any other.

“ This, my Lord, hath confirmed me, that limitations of our own ma-
 “ king is the best security ; though I alwise thought them not the full of
 “ what we merited for the going into the English succession. For considering
 “ the injuries that we have received from them, we ought to have repara-
 “ tion upon this emergent : and I think, without incorporating with them,
 “ they might have given us some small encouragement in our trade with
 “ them, which would have been profitable unto us, and no manner of way
 “ prejudicial unto them, as I can clearly demonstrate if there be occasion
 “ for it. But since this is not the proper place nor season for such proposals,
 “ I shall go in with the proposal made by the Marquis of Annandale, and
 “ fortified by his Grace the Duke of Hamilton ; because I think it is the
 “ best that we can make of it at this time, the fittest measure to prevent
 “ civil wars, allay the ferment of the nation, and far preferable to this in-
 “ corporating Union, which, as to us, in all its clauses appears to be most
 “ unreasonable.”

This was a politic speech ; there appeared some ill nature in it, and a
 great deal of satire upon the Union, but that was the temper of the times,
 and must be passed over on that account ; nor shall I say any thing to it here ;
 the noble person that made it acquiesced in the Union freely enough when it
 it was made, as shall appear in its place.

But I cannot pass it over, without observing, that this speech gives light
 into several things ; first, it gives a hint at the suggestion that had been made

of

of the Duke of Hamilton's aiming at his own title in all his former opposition made against the succession, as well formerly as now, and clears that noble person from all supposition of such a thing, by his having offered now to come into the succession.

Secondly, it gives a true fight of the genuine reason of all this sudden compliance with the succession, a thing which had something very surprising in it, and which, some thought, must have presently carried abundance of people from the other party, the design being, as was afterwards publicly owned, if possible, to evade the passing this article, as a branch of the Union. The case was, they were content with the succession, as an act of the Parliament of Scotland, settled and established in the form necessary in that case : but they would not have the succession brought upon them as the consequence of the Union.

And at last, they had this at the bottom of it all, That if the succession had been taken, as it was now offered, it must have been taken instead of the Union, and that had answered the present occasion, viz. Diverting the grand affair of the Union.

But they met with a double disappointment in this ; first, as to offering the succession instead of the Union, they came too late, since the party who were for the succession formerly with limitations, were now come into the Union, as the best scheme of limitations they could ever hope to attain, and would not go back, finding the Union a better scheme of limitation than their own, because it entitled them to all the limitations already settled in England, which they could not but allow were more and better than any they had proposed in Scotland, or than indeed they could expect to obtain.

Secondly, they were disappointed in the way, for the Jacobites, who held with them before in opposing the Union, broke with them here, since they found themselves abandoned by them in the main article for which they opposed the Union, viz. The transposing the Crown, as they called it, from the son of the late King James ; and if they were obliged to quit the article of the succession, the rest was indifferent to them.

And therefore you find the protest at the end of the vote of this day was directly against the Union, though it was put in the usual form, of the former article of limitations ; so these things did but increase the division, and weaken the party that opposed the Union, and by that means gave the more room for those who were for the Union to carry it ; and thus the second article passed, which concluded the settlement of the Protestant succession. And it was to be observed, that the settling this article was very satisfactory to abundance of people, who were otherwise not very well reconciled to the

treaty, and gave a handle to the friends of the Union, to bring some people to a clearer sight of their interest, since they might see the Union was the readiest way, and perhaps the only way, to obtain the Protestant succession, and to secure it upon the firmest foundation, and on the best limitations, a thing which had been long wished, and very much struggled for before.

M I N U T E XXII.

Monday, November 18, 1706.

Prayers said.

Rolls called.

Then the following addressees were given in and read, viz. Addressees of barons, freeholders, and others within the stewartry of Kirkcudbright, subscribing the same; addressees of heretors and householders of the paroch of Crawford, subscribers of the same; addressees of heretors and householders of the paroch of Crawford-John, subscribing the same; addressees of the magistrates, dean of guild, thesaurer, guild council, deacons of trades, members of the town council of the burgh of Couper in Fife and others, gildry, trades, and burgessees of the said burgh, subscribers of the same; addressees of the Presbytery of Lanerk, subscribing the same; and an addressee of heretors, elders, and masters of families in the town and out-paroch of Lanerk, subscribers of the same: all against an Union with England, in the terms of the articles.

Thereafter the third article of Union was again read.

Whereupon it was moved, “ That the agreeing to the third article of the treaty, in relation to the Parliament of Great Britain, shall not be binding, or have any effect, unless terms and conditions of an Union of the two kingdoms, and particularly the constitution of the said Parliament, be finally adjusted and concluded, and an act pass thereupon in this present Parliament, and that the said terms and conditions be also agreed to, and ratified by an act of the Parliament of England, the constitution of the said Parliament of Great Britain being left entire, until the Parliament come upon the twenty-second article.”

Moved also, “ To proceed to the consideration of the fourth and other articles of Union before the third.”

And after some reasoning thereupon, it was put to the vote, “ Proceed to the consideration of the third article in the terms of the above motion relating thereto, or proceed to the fourth article ;” and it carried, “ Proceed to the third.”

And accordingly the Parliament proceeded to the consideration of the third article ; and after long debate thereupon, a vote was stated, “ Approve of the third article in the terms of the above motion relating thereto, yea or not.”

But before voting, the Marquis of Annandale gave in a protest, upon the foot of his former resolve presented to this House, and contained in the minute of the 4th of November instant, and craved that the narrative thereof might be prefixed thereto, and which narrative and protest is as follows, viz.

“ Whereas it evidently appears, since the printing, publishing, and considering of the articles of treaty, now before this House, this nation seems generally averse to this incorporating union, in the terms now before us, as subversive of the sovereignty, fundamental constitution, and Claim of Right of this kingdom, and as threatening ruin to this church as by law established.

“ And since it is plain, that if an Union were agreed to in those terms by this Parliament, and accepted of by the Parliament of England, it would in no sort answer the peaceable and friendly ends proposed by an Union ; but would on the contrair create such dismal distractions and animosities amongst ourselves, and such jealousies and mistakes betwixt us and our neighbours, as would involve these nations into fatal breaches and confusions.

“ Therefore, I do protest for my self, and in name of all those who shall adhere to this my protestation, That an incorporating Union of the Crown and kingdom of Scotland, with the crown and kingdom of England, and that both nations shall be represented by one and the same Parliament, as contained in the articles of the treaty of Union, is contrair to the honour, interest, fundamental laws, and constitutions of this kingdom ; is a giving up of the sovereignty, the birthright of the peers, the rights and privileges of the barons and boroughs ; as is contrair to the Claim of Right, property, and liberty of the subjects, and third act of Her Majesty’s Parliament, 1703, by which it is declared high treason, in any of the subjects of this kingdom to quarrel, or endeavour by writing, malicious and advised speaking, or other open act or deed, to alter or innovate the Claim of Right, or any article thereof : As also, that the subjects of this kingdom, by surrendering their Parliaments and sovereignty, are deprived of all security, both with respect to such rights as are by the intended treaty stipulated and agreed, and with respect to such other rights both ecclesiastic and civil, as are by the same treaty pretended to be reserved to them. And there-

“ therefore, I do protest, that this shall not prejudice the being of future
 “ Scots parliaments and conventions within the kingdom of Scotland, at no
 “ time coming.”

After reading whereof, he took instruments thereupon, and it was agreed, that, at calling the Rolls, the adherers to the above protest should be so marked; and also, that the hail members be marked as they shall vote, “ Approve or not;” and that a list of their names, as they shall vote pro or con, shall be printed. And the Lord Chancellor was allowed to have his name printed and recorded as an approver.

Then the vote was put, “ Approve of the third article in the terms of the
 “ motion relating thereto or not,” and it carried, “ Approve.”

And the Dukes of Hamilton and Athole, the Earls of Errol, Marischal, Strathmore, and Selkirk; the Viscounts of Stormount, and Kilfyth; the Lords Saltoun, Semple, Oliphant, Balmerino, Blantyre, Bargany, Beilhaven, Colvil, and Kinnaird; George Lockhart, of Carnwath; Sir James Foulis, of Collington; Sir John Lauder, of Fountain-hall; Andrew Fletcher, of Saltoun; Sir Robert Sinclair of Longformacus; Mr. Alexander Ferguson, of Isle; John Brishbain, younger, of Bishoptoun; Mr. William Cochran, of Kilmaronock; James Grahame, of Bucklyvie; Robert Rollo, of Powhouse; John Murray, of Strowan; James More, of Stonywood; John Forbes, of Culloden; David Beaton, of Balfour; Major Henry Balfour, of Dunboog; Mr. Thomas Hope, of Rankeilor; Mr. Patrick Lyon, of Auchterhouse; Mr. James Carnegie, of Phinhaven; David Grahame, younger, of Fintrie; James Ogilvie, younger, of Boyn; Alexander M'Ghie, of Palgowan; Mr. George Mackenzie, of Inchcoulter; Alexander Robertson, Walter Stuart, Alexander Watson, Alexander Edgar, James Oswald, Francis Mollison, Robert Scot, Robert Kellie, John Hutchison, Archibald Shiells, Mr. John Lyon, Mr. John Caruthers, George Home, John Baine, and Mr. Robert Frazer, adhered to the protest given in by the Marquis of Annandale.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXII.

The Parliament were all this while debating the generals of the treaty, and therefore the debates were also in general. The work of this day was not at all debating what number of members should be the proportion of the Parliament, or how, or in what manner they should be chosen, and the like; but whether Britain, as now to be united, should be represented by one and the same Parliament, yea or no.

The debates were very long upon this head; and, as in other cases, it had for some days taken up part of their time in reading the long addresses

of shires, burghs, and parishes, against the Union; so, on this day, there were some very particular ones reserved, and which seemed to be calculated for the day, in which, according to the popular arguments of the time, the Union was called a surrendering the sovereignty of Scotland to the English.

I could never indeed see any schemes offered, or learn that there was any such proposal, in what manner those that were for reserving the Parliament of Scotland, would have formed two separate Parliaments in an united kingdom; so that the debates of this day were not of what should be, but of what should not be; and the uniting the Parliament was objected against, but without offering an alternative of what they would have in the room of it.

The principal arguments made use of in this day's debate were;

1. That uniting the Parliament, was actually giving up the constitution of Scotland.

2. That it was subjecting Scotland to England.

3. That it was dangerous to the church of Scotland, whose government was to be subjected to a Parliament of episcopal members.

4. That it was contrary to the national oath or covenant.

It is not my design to make arguments of my own in order to answer them; or to make this history a dispute instead of a relation of facts: but there having been such loud clamours against the Union in general, and such violent struggles against it in Parliament, it may not be inconsistent with an history, to relate the foundation, on either side, which they acted upon; and as much of the argument on both sides, either within the House or without, as is useful to let the reader into a true understanding of the transactions of this critical time; and for this reason, I have divided this part into the minutes and observations; the one is perfectly historical, the other explanatory of the particulars; and I hope I need make no more apology for the method.

1. It was alledged, that this conjunction of Parliaments was a giving up the constitution; or, as it was frequently worded in their printed addresses, surrendering the sovereignty and independency of Scotland.

It was answered, This was from a defect in the common acceptation of the word Union, as it was now treating of, and of its full extent, of the Unions being general and universal; in which it was alledged, that the Union now treating of was, in the utmost possible meaning of the word, comprehensive of every good to both; exclusive of all manner of preference or disparity of parts; abhorring all things injurious or diminishing to either;

a full

a full coalition; a general incorporation of nations, of interests, of power, and of safety: a sameness of circumstances and of sympathies; becoming one and the same body, with one and the same head, life, soul, nutriment, point, and period; an Union of the very soul of the nation; all its constitution, customs, trade, and manners, must be blended together, digested and concocted for the mutual, united, undistinguished good, growth, and health of the one whole united body; and that all the suggestions of subjecting or surrendering one part to another, were owing to the want of a right conception both of the terms and of the thing designed by the term Union.

It was urged farther, That this extended signification of the Union, excluded all possibility of a separation of interests, or clashing of properties; and that mutual protection, mutual increase, mutual improvements, were the consequences to be expected; not from this or that circumstance, policy, or management, but from the nature of the thing.

One may be sure these things were warmly argued within doors, when without, the people were in the utmost fermentation, and the whole nation seemed in an agony; the enemies of the Union went about bemoaning Scotland, and sighing as they called it, for the dying constitution; and a noble Lord within, standing up to make a speech on this occasion, being stopped by the order of the day, said, mournfully, it as hard he could not be allowed to speak one word for his dying country. These, and the like speeches had put people in the last degree of concern.

The capital arguments made use of on this occasion, and made popular against uniting the Parliaments, were such as these:

1. That whatever agreement is now concluded between the two kingdoms, will never be binding to the new Parliament.
2. That the two kingdoms effectually subject themselves to the new Parliament, all the conditions stipulated on either side to the contrary in any wise notwithstanding.

To this it was answered, That the British Parliament were absolutely bound up by the stipulations of this treaty; that they being a subsequent power to the two respective Parliaments of either kingdom, had no other or farther power to act than was limited them by the stipulations of both kingdoms. That all subsequent power is inferior in its extent to the power which it derives from. That the Parliament of Britain, being the creature of the Union, formed by express stipulations between the two separate Parliaments of England and Scotland, cannot but be unalterably bound by the conditions so stipulated, and upon which it received its being, name,

and authority. The foundation of a British Parliament is this treaty; to say they will not be bound by it, is to say, they will pull themselves up by the roots; they die when the Union receives any mortal wound; they cannot infringe one article of the Union; they cannot put a question in the House upon any one article.

As to the objection, That there was a surrender of sovereignty and constitution, and delivering Scotland, bound hand and foot, into the absolute disposal of the English,

This was answered by way of question and answer, among other things, thus :

“ Q. *What is it constitutes the Parliament of Britain ?*

“ A. *The Union.* Let any man give another answer to it if he can.

“ Q. *How is it constituted ?*

“ A. By treaty between two nations, by their heads and representatives, viz. the Queen and Parliament of each kingdom.

“ Q. *How do they bring it to pass ?*

“ A. By mutual altering their respective constitutions, and forming one general constitution upon a treaty of equalities and equivalents, the stipulations of which treaty are agreed to by the constituent parts of the subsequent body.

“ Q. *Upon what right doth the present respective Parliaments depend ?*

“ A. The natural right of the freeholders of both kingdoms, which intitles them, by the possession of their lands, to have the free exercise and power of making the laws by which they are to be governed.

“ Q. *Does this new constitution destroy that right ?*

“ A. Not at all; but reserving that right, which indeed it cannot destroy, agrees to limit the exercise of it by such and such forms, and on such and such conditions; which conditions are the limitations of the power of the new Parliament, as being the act and deed of the old Parliaments, whose constitution was founded on original right.”

The next popular argument, and which took up much of the debates of this day, was, “ That the Parliament had not a power to go into this Union ?” Or, as it was worded in the public addresses, “ That it is not in the power of the Scots government to conclude such an Union, without a manifest violation of trust, and without doing a manifest act of injustice, oppression, and usurpation, against the fundamental rights and liberties of this free kingdom :” and this was the substance of most of the addresses presented to the Parliament.

This

This was answered by inquiring into the right Parliaments had to lessen, enlarge, or limit the representative; of which, when the number of members comes to be treated of.

The last argument, and which indeed was made more use of without doors than within, was the danger to the church government of Scotland, by the uniting the representative; in which it was argued,

1. That the British Parliament being chiefly composed of persons of another communion, might, whenever they pleased, by a majority of votes, overpowering the Scots, overthrow their church, introduce episcopacy, and reduce the Presbyterians to a toleration, or perhaps worse.

2. That there being twenty-six English Bishops sitting in the House of Peers, and who were by this treaty to continue sitting there; this was subjecting Scotland, in all its future laws, to the suffrage of Bishops; and by consenting to the treaty in which they were established, it was recognizing and establishing episcopacy, which was to involve the kingdom of Scotland in national perjury; they being obliged by the national Covenant, never to subject themselves to episcopacy, but to their power to reform the churches of both kingdoms.

These suggestions, indeed, had but too much success abroad, and were the principal subject of the several addresses, some of which the reader may see in the appendix, as a sample of the rest.

The arguments had their particular answers, too long to insert here, and are touched in another part of this work; the general answer is contained in the former paragraphs, viz. the obligation of the future Parliament to the exact observation of the treaty, in which the security of the church of Scotland was particularly provided for, and left unalterable for ever: a security so firm as the church of Scotland never enjoyed before from any civil government or human authority in the world.

As to the objection about the covenant, it was indeed mentioned in most of the addresses; but it was never mentioned in Parliament at all, or at least, not so as to come to any debate, or to put any question upon it; and therefore I refer it to its proper place.

There were several long speeches made on this article, some to shew, that it was not in their power to vote upon it at all, without consulting constituents; that the Parliament was a fundamental of government, and could not be so much as altered, much less given up; and that this treaty was an entire surrender of the constitution. It would take up too much room in this work to repeat all the arguments brought on this head, or to insert the speeches that were made, much more to collect the arguments brought by

way of answer ; but as the following speech was made on this day, and seems to be a full answer to the main of these objections, I could not omit it, as it was spoken by a gentleman eminently concerned, both in the present debate and in the treaty at London.

A Speech in Parliament spoken by Mr. *Seton*, junior, of Pitmedden, November 18, 1706, upon the subject of the third article, then being in debate in the House.

“ My Lord Chancellor,

“ Having heard with much attention the third article debated, I find it
 “ liable, with the other articles of this treaty, to be put in a false or true
 “ light by the speakers to it, in proportion to those notions they have of
 “ the nature of this Union ; what I am to say concerning it, shall be to re-
 “ move some objections, which, in my opinion, is the proper method to
 “ smoothe the way for approving it.

“ The principal objections are, That the representatives for shires and
 “ burghs cannot legally approve this article, without the assent of their
 “ constituents ; and that by the approbation of it, the sovereignty and in-
 “ dependency of this kingdom will be surrendered to England.

“ My Lord, to give a distinct and convincing answer to the first objec-
 “ tion, let us look a little to the nature of our constitution of government.

“ Our government is not a Polish aristocracy, founded on *pacta conventa*,
 “ whereby all the gentry are empowered in their particular meetings, to
 “ prescribe rules to their representatives in a general Dyet.

“ Our government is not a common democracy, whereby every subject
 “ of Scotland may claim a vote in the Legislature.

“ Our government is, and has been many ages past, a limited monarchy,
 “ wherein the sovereign and representative are the only judges of every
 “ thing which does contribute to the happiness of the body politic, and
 “ from whom no appeal can legally be made ; and this description is agree-
 “ able to reason, to our law, and to our history.

“ Reason teaches us, that anarchy is destructive to mankind, and that no
 “ society of people can be well governed without a supreme power, whose
 “ proceedings are only alterable by itself ; Grotius says, (Lib. 1. Cap. 3.
 “ Sect. 7.) ‘ that we call the supreme power, whose acts are not subject to
 “ ‘ the power of another.

“ Our

“ Our law is positive, that this supreme court is subject to no human
 “ authority, Act 130. P. 8. J. 6.; and we learn from our history, that the
 “ greatest alterations have been made in the constitution of our government,
 “ without consulting the people; out of which I humbly offer a few ex-
 “ amples: In the reign of Kenneth the Third, the monarchy that originally
 “ was elective, became hereditary; in the reign of James the Sixth, the re-
 “ presentation of the clergy in Parliament was restored: In the reign of
 “ Charles the Second, the prerogative was exalted above its natural level;
 “ and in the year 1688, the King was dethroned, and the clergy expelled
 “ this House.

“ My Lord, I have heard asserted, that there are fundamentals of govern-
 “ ment which cannot be altered by this House, without the consent of every
 “ Scotsman; but where were these stipulated? where are they recorded?
 “ were these made by our forefathers at the first institution of their govern-
 “ ment, and have all succeeding Parliaments sworn to their observance?
 “ These questions, methinks, deserve our consideration, before it be asserted
 “ what is an unalterable fundamental by this House.

“ As to the arguments of Sir George Mackenzie, and other eminent
 “ lawyers, brought upon the stage to support this notion of fundamentals, I
 “ think they require no particular answer, because any member who under-
 “ stands the nature of government may see clearly, that these arguments are
 “ founded on Roman laws, calculated for people as members of private
 “ societies, and not for perpetual rules to the supreme power of any
 “ nation.

“ In fine, I believe there are no fundamentals of government in any
 “ nation, which are not alterable by its supreme power, when the circum-
 “ stances of times require; and whoever is acquainted with history, may
 “ learn, that there are no people at present in Europe, which in different
 “ ages have not suffered variety of changes in government. I do, indeed,
 “ acknowledge, there are fundamentals in nature, to wit, liberty and pro-
 “ perty, which this House can never destroy, without exceeding its utmost
 “ bounds of power, that are always limited to the public good; neverthe-
 “ less, this honourable House is only capable to judge of the most proper
 “ means of securing these fundamentals: and for my part, I sincerely
 “ believe that no judicious man will say, there is the least danger of our
 “ liberty and property by an Union of Parliaments, when he reflects that
 “ the people of England have been in all ages noble assertors of the rights
 “ of the subject; have spent much blood and treasure in defence of the li-
 “ berties of their neighbours, and that after this Union, encroachments on

“ the rights of the subjects of any part of Great Britain, must endanger the
 “ liberty of the whole.

“ My Lord, I come now to the next objection, that by the approbation
 “ of this article, we surrender the sovereignty and independency of this
 “ kingdom.

“ These words, I acknowledge, are very long, and may sound harmo-
 “ niously in the ears of the populace : for my part, I would be sorry just
 “ now to have occasion to say, that in fact our supremacy and independency
 “ were surrendered the day King James got possession of the English throne,
 “ if at the same time I could not affirm, that these are again restored to us
 “ by this treaty, which was managed with a decorum and equality that
 “ became two independent and distinct nations, and not after such a clan-
 “ destine manner as was used by Queen Mary and the French, the 4th of
 “ April, 1554, on which day our sovereignty was indeed surrendered, as
 “ may be seen in the *Recueil de Traitez*, &c. p. 510.

“ But to put this question above controversy, I conceive two ways only
 “ whereby a free nation loses its sovereignty and independency, which are
 “ conquest, and a voluntary surrender of its rights to another nation, with-
 “ out any reservation.

“ I am sure no person in right judgement will alledge, that this intended
 “ Union is a conquest; nor can it be called a surrender, seeing the treaty
 “ contains certain and distinct reservations to both kingdoms : nor can I
 “ comprehend how either of two nations, by an entire Union, surrenders its
 “ privileges : on the contrair, I agree with the learned Grotius (Lib. 2.
 “ Cap. 9. Sect. 9.) whose opinion is, that the rights and privileges of two dis-
 “ tinct nations united, are consolidated into one, by a mutual communica-
 “ tion of them.

“ Another objection, my Lord, has been moved against this article, which
 “ belongs more properly to the 22d article, and that’s concerning the num-
 “ ber of the representatives from Scotland, to a Parliament of Great Britain.
 “ This objection I’ll endeavour to answer in as few words as the nature of it
 “ will allow.

“ If both nations are to be represented by one Parliament, there must be
 “ members from both nations, and their numbers must be adjusted by some
 “ rule, which can be no other than that fundamental in the Union of all
 “ societies, whereby suffrages are computed, to wit, the proportion each
 “ society contributes for the support of the whole. Now, the Union of
 “ Scotland and England is but the union of two great societies of people into
 “ one body politic : so that we have nothing to direct our forming a true
 “ notion.

“ notion about the number of the representative agreed to by this treaty on
 “ the part of Scotland, but the proportion we are able to contribute for
 “ the support of the government of Great Britain; and that has respect to
 “ the numbers of our people; to the extent of our taxes; or to an arith-
 “ metical proportion betwixt these and those of England: all which be-
 “ ing duly considered, I may be bold to affirm, that the representa-
 “ tive agreed to by the Commissioners for Scotland, is more than falls to
 “ our share.

“ Several authors who have wrote about the nature of society, or the
 “ Union of two or more societies, agree to this fundamental; and Grotius
 “ (L. 2. C. 5. Sect. 22.) has two examples out of Strabo relating to it.
 “ One is, when Lybica united with three neighbouring cities, it was stipu-
 “ lated, that each of the three was to have one voice, but Lybica two;
 “ because it contributed much more to the common benefit than any of the
 “ rest. The other example is, that there were twenty-three cities in
 “ Licia united, whereof some had three voices, some two, and some
 “ but one.

“ My Lord, by the representative of sixteen for the nobility, there is no
 “ greater hardship put upon them, than was put upon the small Barons
 “ in the reign of King James the First, who then were of the same state
 “ with the nobility, and submitted to the law for conveniency.

“ By the representative of forty-five for the Commons, no prejudice is
 “ done to the State of Barons in respect of representation; for, if they be
 “ represented from every shire, or at least from the most considerable shires,
 “ it is of no import, whether every shire be represented by one or more:
 “ and as to the state of boroughs, I'll presume to say, that the retrench-
 “ ment of their representation is a piece of justice done to this nation, if
 “ property or taxes be the rule of representation.

“ My Lord, so far have I endeavoured to answer the material objections
 “ against this article, not out of any prospect to convince the members
 “ against this Union, as to fortify the judgements of those for it; and I
 “ wish heartily that the constituents for shires and burghs may have a true
 “ confidence in their representatives, while they are accomplishing this
 “ great and noble work of an union of both kingdoms, especially considering,
 “ that they are bound by oath to give their best advices and suffrages; that
 “ they were chosen by themselves in a free election; that they have their
 “ families and estates among them; that the same liberty, property, and re-
 “ ligion, are common to them both; and that the good or bad consequences
 “ of this Union, must equally affect representatives and constituents.”

This speech was received with great satisfaction and applause, and the arguments in it were so clear, especially as to the proportions of the representative, that it was very useful when that head came to be debated; and I cannot but suppose the reader will think his time well bestowed in reading it, in that he will see by it, whether the Union was carried by strength of reasoning, or, as some alledged, crammed down their throats by mere number of voices.

The debates held very long; but at length the question being proposed, the vote was carried with the usual proviso, viz. "That it be of no force if all be not concluded;" and the dissenting members protested, as you will see in the minutes; and so this mighty case was also determined.

MINUTE XXIII.

Tuesday, November 19, 1706.

Prayers said.

Rolls called.

The Lord Chancellor acquainted the Parliament, that last night, His Grace, Her Majesty's High Commissioner, in his return to the Palace, was insulted by a number of people of the meanest degree, with stones, which was a high affront both to Her Majesty's High Commissioner and to the Parliament; and therefore moved, "That the Parliament may give the necessary orders, not only to find out such as have been guilty as actors or abettors therein, but to prevent the like in time coming:" and after some reasoning on the said representation and motion,

It was agreed, to remit to the Committee nominate for examining the calculation of the equivalent, to inquire into the matter of this insult: and to endeavour to find out the actors and abettors, if any be; with power to the said Committee to promise indemnities and rewards for discoveries; and to seize and imprison any person whom they shall have ground to suspect to be guilty, as actors or abettors; and to call for the magistrates and neighbours of Edinburgh for information, and to report to the Parliament what information and discovery they shall make of the said insult, or of any former. As also, to report their opinion, what measures may be proper for preventing the like in time coming: and the Committee appointed to meet the first interval day of Parliament at nine o'clock.

The

The Parliament did likewise recommend to the Lord High Constable, to prosecute forthwith those persons who were imprisoned on account of a former tumult; and ordained the magistrates of Edinburgh to furnish what probation they can, to the Fiscal of the Constable's Court, against such as were so imprisoned.

Address of the bailties, counsellors, and citizens of St. Andrews, subscribers of the same, against an Union with England in the terms of the articles, given in and read.

Thereafter it was moved, "That the Parliament proceed to the fourth article of Union."

Moved also, "That, before proceeding to the consideration of the fourth article, a clause be added to the third article in thir terms; 'And that the said Parliament of Great Britain shall meet and sit once in three years at least, in that part of Great Britain now called Scotland.'"

And after some debate thereupon, the consideration of the said additional clause delayed till the Parliament come to the twenty-second article.

Then the fourth article of Union was read, and after some discourse thereupon, the farther consideration thereof was delayed till the next *sederunt* of Parliament, and the consideration thereof to be then resumed previous to all other business.

Adjourned till Thursday next at ten o'clock.

OBSERVATION XXIII.

The affairs of tumult and clamour from the street I have related in its proper place; yet, as far as it came to be considered in Parliament, I must take notice of it here, but shall be the briefer, referring to what is said elsewhere.

The first rabble had been crushed for some time, as has been observed already, and the vigilance of the government had secured the Parliament hitherto; but the inveterate fury of the poor ignorant people, imposed upon by the popular arguments of the times, and these enlarged upon by various pamphlets and speeches against the Union, which were spread amongst them, was very hard to be restrained.

The Duke of Queensberry, the Queen's High Commissioner, received divers affronts in his going to and from the Parliament, though His Grace did not think it worth his while to trouble the Parliament with it while it was any thing tolerable; but it was now grown to such a height, that not only the Commissioner's life was in danger, but the public peace seemed

manifestly aimed at, and it was very necessary to put a check to such insults, lest the whole might be endangered.

The High Commissioner had received several private intimations of designs to assassinate him; and several letters, some abusive and threatening, others pretending to give him caution to preserve his person; others directly pretending to inform him of the designs, the time when, manner how, and the weapons by which he was to be murdered. Whether these were real designs, or only attempts to amuse, and perhaps discourage His Grace in the discharge of his duty in so weighty a work, was, I believe, never certainly known: but, whoever will calmly consider the temper of the people at that time, how inflamed by the artifice of a party, and how frequently they shewed their readiness to have undertaken any thing, though never so desperate, to have broken off this affair, will wonder, that no agent of Satan was found hardened enough to have committed that, or any like sort of villany.

Nor did it seem that there was any thing wanting but the mere courage to venture their lives in such a bloody action; since, in the occasion which was now brought before the House, it appeared there were stones thrown at the Commissioner's coach from the tops of houses, sufficient to have murdered him, if Providence had not more especially protected both his person and the affair in hand; which, had any such villany been perpetrated, would, most certainly have all been lost in the confusion that must inevitably have followed.

For the reader's particular information of the temper and humour of the People at that time, some of the threatening letters sent to His Grace the High Commissioner, are printed in the Appendix, N. G. xx. faithfully transcribed from the originals.

As to the manner of the present insult offered the Commissioner, it was thus; opportunity was taken upon the length of the debates that day, which keeping the House late, and the Lord Commissioner being to pass the streets in the night, the whole length of the city, from the Parliament House to the Palace, the mob took the opportunity of the darkness, a time proper for such villanies; first they affronted the guards, and followed them with curses and opprobrious words, and their numbers increasing as they went on, they began to throw stones at them, which occasioned some little disorder among the horses, and this at last increased to the throwing stones at the Commissioner himself, one of which narrowly missed his person.

The coachman and postilion, whether frightened themselves, or that the horses were unruly, drove a little faster than usual down the street, which

put

put the guards to a full trot, and that heartening the rabble, as if the guards had fled from them, they shouted, and continued pursuing them with dirt, stones and such sort of violence, till they came to the palace, where the foot guards received them and kept off the croud.

Every body will allow, that considers these circumstances, which I was an eye witness to, that it was time to put a stop to this violence, and to restrain a headstrong multitude, thus made bold and furious, lest they should, as in such cases is not uncommon, run on to more violent extremes; and therefore, the Lord Commissioner ordered the Lord Chancellor to represent it to the House, as in the vote.

The motion for the Parliament sitting once in three years was needless, for that indeed it was settled in the twenty-second article for the first Parliament, and established in England by other laws made there, which were to continue in force by the treaty.

M I N U T E XXIV.

Thursday, November 21, 1706.

Prayers said.

Rolls called.

Address of heretors, burgeses, minister, and other inhabitants, in the town of Paisley, subscribers of the same, against an Union with England, in the terms of the articles, given in and read.

The fourth article of Union again read.

Whereupon it was moved, “ To take the several branches of trade, to be “ communicate, into consideration, that it may thereby appear how far the “ communication of trade shall be advantageous;” and after reasoning thereupon,

The vote was stated, “ Approve of the fourth article, reserving the consideration of the several branches of trade till the Parliament come to the subsequent articles, yea or not.”

And it was agreed, that the members shall be marked as they shall vote, approve or not, and that the list of their names, as they shall vote pro or con, be recorded and printed.

Then the vote was put, “ Approve or not,” and it carried, “ Approve.”

Thereafter the fifth article of Union was read; whereupon a proposal was given in for explaining and enlarging the same in these terms; “ That all “ ships or vessels belonging to Her Majesty’s subjects of Scotland, at the time “ of ratifying the treaty of Union of the two kingdoms in the Parliament of “ Scotland, though foreign built, shall be deemed and pass as ships of the “ build

“ build of Great Britain ; the owner, or where there are more owners, one or
 “ more of the owners, within twelve months after the Union, making oath,
 “ that at the time of ratifying the treaty of Union in the Parliament of Scot-
 “ land, the same did, in hail, or in part, belong to him or them, or to some
 “ other subject or subjects in Scotland, to be particularly named, with the place
 “ of their respective abodes, and that the same doth then, at the time of the
 “ said deposition, wholly belong to him or them, and that no foreigner, di-
 “ rectly or indirectly, hath any share, part, or interest therein.”

Which being read, it was moved, “ That six months more time be added
 “ to the time allowed by the proposal for purchasing ships or vessels ;” and
 after some reasoning thereupon, the farther consideration thereof was delayed
 till next *sederunt* of Parliament, to be then resumed previous to all other bu-
 sineses.

Adjourned till Saturday next at ten o'clock.

OBSERVATION XXIV.

This article being general, but containing several particulars, it was
 judged proper to pass it in the gross first, with a reserve for such clauses and
 branches of trade as should come into consideration afterward ; for other-
 wise these branches of trade would have been foreclosed, by agreeing to
 this article in the full extent of the words.

These branches came all to be considered in the debating other articles,
 as particularly when they came to examine the affairs of drawbacks, boun-
 ties on exportation, prohibitions, and restrictions in trade ; the several
 customs, duties, equalities, and proportions of trade ; of which in their course.

This reserve, however, made the article itself pass the more readily at
 this time ; for it was the first article, after voting the generals, that was
 branched out into particulars, and therefore the adjourning these particulars
 was the more acceptable.

The debate of the fifth article lay only here ; the treaters had debated
 about the time limited for allowing the ships then in the hands of the Scots,
 to be free ships ; the Scots Commissioners would have had it been the time of
 ratifying the Union ; the English Commissioners insisted on it, that it should
 be the time of signing the treaty ; and the reasons were good ; that otherwise
 people might buy multitudes of foreign ships, and have time to furnish
 themselves, and pass these foreign-built ships as free bottoms, in the terms
 of the Act of Navigation, to the infinite damage of the whole island ; and
 this had the more force with it, in that it could not but be allowed, that it
 was the great advantage of this whole island to encourage the building,
 and consequently the employing our own ships. However, many popular
 argu-

arguments were used to lengthen out the time, such as, that Scotland was not yet in a condition to build, and that this would check her trade, to leave her naked of ships till she could furnish herself with materials for building; that for the fishing and East-country trade, it was absolutely necessary to furnish foreign-built ships, till Scotland could build for herself.

It was alledged, England could furnish ships; and it was so material a thing to encourage the building and increase of our own shipping, that England would insist upon it, and had reason so to do.

However, after long debating, it was agreed to lengthen the term to the ratifying the treaty; and this was the first alteration made in the articles, but it was referred to the next day.

M I N U T E XXV.

Saturday, November 23, 1706.

Prayers said,

Rolls called.

Then the following addresses were given in and read, viz. Address of heretors and several other persons in the barony paroch of Glasgow, subscribers of the same; address of heretors, magistrates, town council, and other inhabitants within the town and paroch of Culrofs, in Perthshire; and heretors, elders, and other inhabitants within the parochines of Saline, Carnock, and Torie, in Fifeshire, subscribing the same; address of the provost, baillies, town council, and other inhabitants of the burgh of Stirling, subscribing the same; address of barons, freeholders, and others, within the Stewartry of Annandale, subscribing the same; and address of the magistrates, town council, guild brethren, deacons, of crafts, and other burgeses, tradesmen, and inhabitants within the burgh of Innerkeithing, subscribers of the same: all against an Union with England in the terms of the articles.

Thereafter the fifth article of Union was again read, with the proposal for amending, explaining, and enlarging the same, insert in the former day's minutes, and altered thus, viz. That all ships or vessels, belonging to Her Majesty's subjects of Scotland, at the time of ratifying the treaty of Union of the two kingdoms, in the Parliament of Scotland, though foreign built, be deemed, and pass as ships of the build of Great Britain; the owner, or where there are more owners, one or more of the owners, within twelve months after the first day of May next, making oath, that at the time of ratifying the treaty of Union in the Parliament of Scotland, the same did, in hail or in part, belong to him or them, or to some other subject or subjects of Scotland, to be particularly named, with the place of their respective abodes; and that the same doth then, at the time of the said deposition, wholly belong to him or

them, and that no foreigner, directly or indirectly, hath any share, part, or interest therein.

And after some reasoning thereon, there was a second proposal given in for the amending the article in these terms: That all ships and vessels belonging to Her Majesty's subjects of Scotland, at the time of ratifying the treaty of Union of the two kingdoms, in the Parliaments of both kingdoms.

And after some debate the vote was stated, "Approve of the first paragraph of the fifth article with the first amendment or second;" and it carried, "Approve with the first amendment."

Thereafter the rest of the said fifth article of Union was read, and a proposal given in for adding a clause in these terms: That for the space of seven years from and after the concluding the treaty of Union in both kingdoms, it is expressly agreed, that none of the seamen or mariners aboard any of the ships belonging to the subjects of that part of United Britain, now called Scotland, shall either at home or abroad be pressed from aboard their said ships, to serve in any of Her Majesty's ships of war or frigots; and in case after the said seven years, it shall happen that there be a levy of seamen in United Britain, for serving in the British fleet, that the said part of United Britain, now called Scotland, shall only be burdened with such a proportion as our taxes bear, in proportion to that part of United Britain, now called England, but prejudice to the officers of Her Majesty's ships or fleet to engage as many voluntar seamen in their service as they can agree with in this part of United Britain; and this article to be unalterable by any subsequent British Parliament.

Which being read, after some reasoning thereupon, it was put to the vote, "Add the second clause or not," and it carried "Not."

Thereafter the rest of the said fifth article being again read, the vote was put, "Approve thereof or not," and it carried, "Approve."

Adjourned till Tuesday next, at ten o'clock.

OBSERVATION XXV.

The debate about the admitting the Scots ships as free bottoms, was now re-assumed, and the time limited for the properties to be made out, was altered from the time of signing the articles to the time of ratifying the treaty.

The present dispute was, whether it should be the time of ratifying the treaty in Scotland, or the ratification in both kingdoms. This article was disputed by inches, and some thought there was more nicety used here than was of any signification; and that therefore it seemed the effect of a general struggle against the Union, where every thing was laid hold of that either might bring on some alteration they thought England could not comply with,

or that at least might but cause a dispute in England; or that might so gain time as to avoid having the thing compleated in the then sitting of Parliament.

It was well known the English would be very tender of their act of navigation, which is the security of their trade, and the main encourager of their shipping; and the longer this liberty of purchasing ships from the Dutch was extended, the more room there would be for exceptions in England, their trade being the more exposed to the bringing in foreign bottoms among them.

And if it be true, as I have seen a minute made of it in writing, that the party had prepared schemes of objections to be offered in the Parliament of England, against the very alterations which they themselves had procured to be made in Scotland; if this be true, it will abundantly justify the general supposition I have so often hinted at, viz. that these objections were rather calculated to delay the treaty, and overthrow the Union itself, than from any particular regard had to the reason and nature of the thing objected.

Nothing else could be the occasion of such strong struggles for things in themselves not of any great advantage to Scotland, as in this case of the ships, of which it may be noted, that after that matter was settled, it was hardly known that one ship was bought either in Scotland or England, with the design of making it free as was suggested.

However, after long debate, the middle course was taken, and the time was extended from the time of signing the articles as it was agreed in London, to the time of ratification in the Parliament of Scotland, but not to the time of ratification in both Parliaments, as was proposed.

The last proposal against pressing of seamen, was a manifest attempt of the kind above mentioned, and a seeking an occasion to interrupt the main treaty; since nobody could imagine that such a clause could have passed in England, all their own seamen having been liable to be pressed into the service of the navy; and both nations being to enjoy equal privileges, this had been put to such a disadvantage, and such inequalities upon the English, as would have made just complaints in England, and have been a sufficient obstacle to the whole, especially when it was remembered, that in Scotland, there was no want of seamen, but that, on the contrary, many thousands of their seamen, for want of employment, entered themselves on board the men of war in foreign service, with the Danes, Swedes, and Hollanders; and it would be hard, that they should seek a liberty from the English service, which would now be their own; and at the same time, for want of business, seek service among foreigners; it being alledged, that at this time, there

were 16,000 Scots sailors in the Dutch service ; this was so plain a case, that the proposul was rejected, and the article passed with only the first amendment.

And this was the second alteration in the articles of the Union.

M I N U T E XXVI.

Tuesday, November 26, 1706.

Prayers said.

Rolls called.

Then the following addressees were given in and read, viz. Address of barons, freeholders, and others within the sherriffdom of Roxburgh, subscribers of the same; address of the magistrates, town council, and other inhabitants of the burgh of Annan, subscribing the same; address of the magistrates, town council, and others, inhabitants of the burgh of Lochmabben, subscribers of the same; and an address of the paroch of Lefmahago, subscribers of the same; all against an Union with England in the terms of the articles.

Thereafter an overture for an act for encouraging the exportation of victual, read, and ordered to be printed.

As also, another overture for an act for encouraging the export of victual, fishes, beef, and pork, was given in, and ordered to be printed.

Thereafter, a petition and draught of an act in favours of the burgh of Dundee, for an imposition of two pennies Scots, upon the pint of all ale and beer, brown and vended within the bounds, and for the ends therein mentioned, both read, and a first reading ordered to be marked on the act.

As also, a petition of the magistrates, town council, and community of the burgh of Aberdeen, and a draught of an act in their favours, for continuing an imposition on wine and ale, granted to them by a former act, read, and a first reading ordered to be marked on the act.

As also, the following draughts of acts were given in and read, viz. Act in favours of the burgh of Kirkaldie; act in favours of the town of Borrowstounness; act in favours of the burgh of Dysert; act in favours of the burgh of Burntisland; act in favours of the burgh of St. Andrews; act in favours of the burgh of Kinghorn; act in favours of the burgh of Elgin; all for an imposition of two pennies Scots, upon the pint of all ale and beer to be brown and vended within the respective bounds, and for the ends therein mentioned, and a first reading ordered to be marked upon each of the said acts.

Then

Then the sixth article of Union was read; and after some reasoning thereon, there was a proposal given in for adding the following clause to the end of the sixth article, viz. “ Except in so far as shall be rectified by this Parliament, upon the consideration of the subsequent articles.”

Which being read and discoursed upon, there was another proposal given in, for enlarging and explaining the said sixth article, in these terms, viz. “ And seeing by the laws of England now standing, there are rewards granted upon the exportation of certain kinds of grain, wherein oats is not specified, that, from and after the Union, when oats shall be at fifteen shillings per quarter, or under, there shall be paid two shillings and six-pence for every quarter of oatmeal exported in the terms of the laws, whereby rewards are granted for exportation of other grains. And in respect there is a duty upon oats imported into England, but no duty upon oatmeal, the importing of which is a prejudice and discouragement to tillage: therefore, that from and after the Union, the quarter of oatmeal be deemed equal to three quarters of oats, and pay duty accordingly, when imported to Scotland from any place whatever beyond the sea.”

Which being likewise read, after some farther reasoning, it was moved, “ That the observations (in relation to the balance of the trade of this nation) made by the Council of Trade, should be laid before the Parliament.”

And after debate thereupon, the farther consideration of the said sixth article and motions was delayed till the next *sederunt* of Parliament, to be then resumed previous to all other business. And ordered, That the observations made by the Council of Trade be then laid before the Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXVI.

The sixth article of course began the debates about allowances, drawbacks, prohibitions, and restrictions, which, as has been observed, were to be equal to all the subjects; but Scotland finding some difference in the value and frequency of import or export of grain, they found a necessity to come into some amendments here too. The case was thus:

England allowed a bounty to the exporter of corn at all times, when the plenty of grain kept the price under such a stated rate; but it was observed, there was no bounty on the exportation of oats; the reason was, because England rather wanted oats than had them to spare, one season with another.

On the other hand, Scotland producing vast quantities of oats, and having a large trade for the exporting the same to Norway, and other parts, the Scots members insisted, that a drawback should be allowed on oats and oatmeal exported.

Another case also required an alteration, and this respected Ireland, which bordering on Scotland, could and might easily throw in great quantities of oats or oatmeal into Scotland, which being cheap in Ireland, would lessen the consumption of the growth of Scotland; there was, it seems, a prohibition formerly laid on the importation of oats or oatmeal, but this being taken off by the Union, it was requisite to make some provision, where the English law was defective, which was thus :

The English had, by act of Parliament, a duty of five shillings and sixpence per quarter laid upon all oats imported, and that they thought was sufficient; but there being no more duty on oatmeal than on oats, it was alledged, that the Irish might import the oatmeal, and afford to pay the duty, since it was not above half the value of the duty of oats, the value of the meal reducing the duty.

This, therefore, was provided against by this additional clause, which doubled the duty upon oatmeal imported, by reckoning every quarter of oatmeal as two quarters of oats.

The acts in favour of the respective burghs were in order to continue to them the several impositions on ale and wine customary in Scotland, or granting them anew, being generally granted for the public uses of the towns, such as building or maintaining public edifices, harbours, &c. ; just as has been practised in England in the duties on coals, as at London for building the churches, at Yarmouth for their pier; or on ships, as at Dover for the repair of their harbour, and the like : and this being the last Parliament to sit in Scotland, if the Union succeeded, and all private rights being made perpetual, or to continue to the times they were entailed for, this made the towns the more solicitous to have acts passed in their favours at this time; the excise upon liquors, payable to private hands, indeed was a novelty in England, and seemed to be a very odd request at this time, that while, on one hand, they should be pleading, that Scotland could not pay more excise on their liquor than they did before, at the same time they should, on the other hand, be seeking an additional duty to be paid to the burghs; but the duty being so small as two pennies Scots, which is but one-sixteenth of a penny on the pint Scots, which is two quarts English, it was generally agreed to, and principally because it was not extended all over the kingdom, but only in the few towns, that having public trade to support, and chargeable works to maintain, seemed to have extraordinary reasons to demand it.

M I N U T E XXVII.

Wednesday, November 27, 1706.

Prayers said.

Rolls called.

Addrefs of barons, freeholders and others, within the shire of Mid-Lothian, subscribing the same, against an Union with England in the terms of the articles, given in and read.

The sixth article of Union again read, and a proposal given in for adding the word “ Drawbacks ” to both clauses of the said article, which was agreed to.

And the said article, as so amended, was again read, as also the proposal mentioned in the minutes of the last *federunt*, in relation to oats and oatmeal, with the addition of a farther clause, in these terms, “ And that the beer of Scotland have the like rewards and drawbacks as barley.”

And it was likewise moved, that another clause should be added thereto, allowing the like premium or drawback on the exportation of oatmeal, as is allowed on the exportation of rye in England; and after debate thereupon, it was agreed that the sixth article, with the proposal for amendments, should be remitted to a Committee.

Thereafter there was a clause offered to be added to the said sixth article, in these terms, viz. “ But Scotland, for the space of years after the first day of May next, shall be free from, and no ways subject to the prohibition and restrictions made against exporting of wool, skins with wool upon them, and woollen yarn, which by the oaths of the sellers and buyers shall be made appear to be the proper growth and product of Scotland, and spun within the same, which shall no ways be comprehended under any of the laws already made in England, or to be made during the space aforesaid.”

As also, a clause in these terms, viz. “ Excepting and reserving the duties upon export and import of such particular commodities from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which, after the Union, are to remain safe and entire to them in all respects.”

And likewise, another clause in these terms, viz. “ That after the Union, all sorts of Scots lining, or any kind of cloth made of flax or hemp, be exported out of the united kingdom, free of all customs or other impositions whatsoever.”

And another in these terms, “ That before the Union we may have such a drawback adjusted as may enable us to export beef and pork and butter to the West Indies and other foreign parts, which will be a considerable branch of our trade after the Union.”

And

And likewise another clause in these terms, “ That from and after the Union
 “ all duties or bounty tolls, or other exactions upon black cattle, or any other
 “ product of Scotland, when carried into England, or product of England when
 “ carried into Scotland, payable either to the public or private persons, shall
 “ in all time coming be void and null.”

And another clause in these terms, “ That from and after the Union, the
 “ kingdom of Scotland shall have liberty for ever to manufacture plaiding,
 “ singrams, Galloway-whites, ferges, stockings, and all sorts of lining, as
 “ they have been in use to do, conform to the regulations contained in their
 “ own laws, and to export the same to England or dominions and plantations
 “ thereto belonging, or to any other place beyond seas, free of any duty or
 “ imposition whatsoever to be laid thereon ; but in case any of the subjects of
 “ that part of United Britain now called Scotland, shall export any other sort
 “ of woollen manufactory than what is above mentioned, they are to be liable
 “ to the regulations and taxes of England imposed before the Union, or to be
 “ imposed by the British Parliament after the Union.”

And it was agreed that all the clauses above insert should be likewise remitted to a Committee.

Whereupon it was moved, “ That the sixth article and proposals, and additional clauses relating thereto, should be remitted to the Committee for examining the calculation of the equivalent,” which was agreed to.

Thereafter it was also moved, “ That a farther number of the members of each State should be added to the said Committee ;” and thereupon a vote was put, “ Add, or not,” and it carried, “ Add.”

Then it was moved, “ That two of each state be the number to be added ;” and likewise moved, “ That the number of four of each state be added ;” and after some reasoning, it was put to the vote, “ Two or Four,” and it carried “ Two ;” and the next *federunt* of Parliament appointed for choosing the additional members.

Then the seventh article of Union was read, and the reasoning thereupon delayed till the next *federunt* of Parliament, to be then proceeded upon previous to all other business, after choosing of the additional members for the Committee.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXVII.

The observations upon this day's minutes will be more properly referred to the time when the Committee to whom the sixth article was referred, make their report.

The

The amendment of “drawbacks” was not scrupled, it was included before the word “allowances;” but it was such a trifle that nobody would dispute it, seeing it contained nothing but what was intended in the article itself.

The amendments offered were many, and the referring them to a committee, was no question—the best method to come to a settlement in the several particulars; but this may be observed, and it was remarkable, that such was the ignorance of the objectors in these cases, and so much had they been imposed upon in matters of trade, that they demanded inconsistent and impracticable things, that they demanded exemption from imposts which nobody paid, they demanded liberty where there were no prohibitions, and equalities which were already agreed to.

For example, liberty of exporting wool, a thing on which the whole English commerce depended, and without a restraint upon which, all their manufactures would have been ruined; a thing impracticable in the nature of their trade, and which it was inconsistent with reason to expect.

Then they required liberty of exporting linen duty free; whereas it was evident, had they consulted the English affairs, they would have found the English gave that liberty to all the world; and if any linen was imported into England, whatever duty it paid there was allowed back again, upon exportation by certificate.

Next they demanded liberty to export their woollen goods free of all duties and customs; whereas it was known, England had, long since, taken off all duty or custom upon their woollen manufactures for several reasons of trade, and for the encouragement of the poor.

Again, they asked freedom of carrying their goods and cattle into England without customs and toll, which it was evident, without any provision, was the consequence of the Union; and there could no more remain any toll, custom, or duty, on passing and repassing of cattle or goods between England and Scotland, than there could in either kingdom from one county to another.

But this will farther appear, when the Report of the Committee comes to be under consideration.

M I N U T E XXVIII.

Thursday, November 28, 1706.

Prayers said.

Rolls called.

Then the following addressees were given in and read, viz. Address of heretors and other inhabitants of the paroch of St. Ninians, subscribers of the same;

and address of the magistrates, town council, burgesſes, and other inhabitants of the burgh of Dumbar, ſubſcribing the ſame; both againſt an Union with England in the terms of the articles.

Thereafter the Parliament (conform to the minutes of the laſt *federunt*) proceeded to elect the additional members to the Committee, to whom the ſixth article, and clauſes and propoſals relative thereto, are remitted: and the three eſtates having ſeparated to their uſual places, they returned, and reported their reſpective elections of the ſaid additional members, as follows, viz. Of the nobility, the Earls of Haddingtoun and Cromarty; of the commiſſioners for ſhires, Sir Gilbert Eliot of Minto, and Sir Thomas Burnet of Leyes; of the commiſſioners for burghs, Sir John Arefkine and Sir Peter Halket; and the Committee was appointed to meet in the Inner Seſſion Houſe to-morrow at nine of the clock in the forenoon.

Then the ſeventh article of Union was again read, and after ſome reaſoning, a propoſal was made for an explanation and addition, whereby this nation would be ſecured againſt paying more exciſe for the two-penny ale than they now do, in theſe terms, “ That the thirty-four gallons Engliſh barrel of beer or
“ ale, amounting to twelve gallons Scots preſent meaſure, ſold in Scotland by
“ the brewer at nine ſhillings ſix pence ſterling, excluding all duties, and re-
“ tailed, including duties, and the retailers profit at two pence the Scots pint,
“ or eight part of the Scots gallon, be not, after the Union, liable, on account
“ of the preſent exciſe upon exciſeable liquors in England, to any higher im-
“ poſition than two ſhillings ſterling upon the foreſaid thirty-four gallons Eng-
“ liſh barrel, being twelve gallons the preſent Scots meaſure.”

And another clauſe being likeways offered in theſe terms: “ And it is hereby
“ ſpecially provided, that the two-penny ale or beer of Scotland ſhall be only
“ charged with the ſame exciſe as the ſmall beer of England.”

After ſome debate, the vote was ſtated, “ approve of the ſeventh article, as
“ to the exciſe of ale and beer, with the explanation, as contained in the firſt or
“ ſecond clauſes above inſert;” and thereupon the ſaid clauſes being read,

It was agreed, That the members ſhall be marked as they vote, and that a liſt of their names, as they vote firſt or ſecond, ſhall be printed; whereupon the vote was put, “ Approve of the ſeventh article, as to the exciſe of ale and beer,
“ with the explanation, as contained in the ſaid firſt or ſecond clauſes,” and it carried, “ Firſt.”

Adjourned till to-morrow at ten o'clock.

O B S E R V A T I O N XXVIII.

The debate of this article had made much more noiſe out of the Houſe than it did within; ſome people had induſtriouſly alarmed Scotland with an apprehenſion,

apprehension, that, according to the words of the article, Scotland was to pay equal excise with England; that is, that as the strong beer or ale in England paid four shillings and nine pence per barrel, so must the common beer, then brewed in Scotland, pay the same price; and it was manifest that this was the opinion of several members of Parliament, by their speeches on this occasion in the House, as well as without.

On the other hand, others pretended to bring all the ale brewed then in Scotland down to the denomination of English small beer, as being not sold for more than some of the table beer in England was sold for, which paid but as small beer, after the rate of one shilling and three pence per barrel.

I shall be very far from offering to make any part of this history officious, in giving an account of any mean share the author had in this affair, yet I cannot omit relating this part of the concern which casually happened to him in this particular; and it may be mentioned for the sake of the jest it made in the town, viz. That while it was thought well done to have a share in stating the proportions of the excise, several persons pretended to the title of being the first contrivers of it; but when afterwards, on some clamour raised upon the inequality of the proportions, the contrivers began to be blamed, and a little threatened *a-la-mob*; then it was D. F. made it all, and he was to be stoned for it: and afterward, when those differences appearing but trifles, were, by the prudence of the Commissioner, reconciled, then they would willingly have re-assumed the honour of being the first formers of this affair.

It was indeed no small difficulty at first how to state a medium between the two nations; it had been laid down as a maxim, That Scotland could by no means bear the high excises paid for their strong beer in England. It was also absolutely necessary to regard doing justice to England, who, paying four shillings and nine pence per barrel excise, would have had a great hardship, if Scotland should have had all their beer as English small beer.

Again, the Scots ale, which was sold in the public houses, and commonly called *tippony*, was in no proportion like the English strong beer, either in price or in strength, being sold for one penny the *chappin*, which was near the English quart, by retail, after paying a subsequent excise to the cities or burghs, and not one half, or above one third as strong as the English ale or strong beer. Upon this I shall impartially set down the matter of fact.

The author of this being sent for by the Committee of Parliament then sitting, the same to whom the sixth article was committed, as is above said, attended them at their meeting in the Lord Cefnock's chamber; and being called in, the Committee did him the honour to tell him, they were informed he had spent some thoughts on the affair of the excises, and that he had

made some calculations : they told him, the Parliament were coming upon the debate of the seventh article, and the great difficulty before them was, to find out a medium between the Scots and the English excise, so as might make it tolerable to Scotland, and not give England reason to take umbrage, or complain of injustice.

He frankly owned he thought it would be very hard, and proposed what he had formerly insisted on, viz. that the Scots ale or tippony being sold for no more money than the household or table beer in the city of London, which is called eight-shilling beer, and is often sold for ten shillings per barrel, the Scots ought also to pay no more.

But the Lord President of the session objected, that the English would never be satisfied with that payment, as not being a just proportion ; that the act of parliament was express, that all beer above the price of six shillings per barrel should pay as strong beer ; that those kinds of beer called eight-shilling beer, were generally mixtures after the excise was paid ; and that the denomination in England being but of two kinds, it would not be possible to place this on either head, and to leave it to the method of the eight-shilling beer in London, would be to lay all Scotland at the mercy of the excise officers, which would be unsufferable.

This discourse put a thought in the author's head just in the moment ; upon which he told their Lordships, he thought a proportion to both sides might be formed, taking its rise from the price of the beer, and value of the excise in either kingdom ; and that he thought he could form it for them, so as that it should not grieve either party.

Upon which their Lordships desired him to try : he took the pen and ink and immediately stated the case thus :

There are in England but two denominations of exciseable beer, small and strong.

The small was supposed in the act at six shillings per barrel, and paid one shilling and three pence per barrel excise, which is excluded out of the six shillings per barrel.

The strong was supposed at eighteen or twenty shillings per barrel, and paid four shillings and nine pence excise, which is included in the eighteen or twenty shillings per barrel.

There is in Scotland but one denomination of exciseable beer, which we call, as above, for use sake, tippony.

This was sold for about nine shillings and six pence sterling per twelve Scots gallons to the retailer, and paid twenty-three pence sterling duty, which is not included in the nine shillings and six pence.

Note, Twelve Scots gallons were supposed to hold much about the English ale gauge of thirty-four gallons; there were some fractions or small differences, which the Committee did not examine into; of which by itself.

Taking then this English excise from twenty shillings per barrel downward to nine shillings and six pence, or from six shillings per barrel upward to nine shillings and six pence, and then calculate the excise from either of those extremes, and the middle seemed to be a just excise; and this project had two happy circumstances in it, which exactly supplied the difficulty.

For example:

The price of the Scots strong beer being nine shillings and six pence per barrel, exclusive of the excise, and the price of the English beer, reckoning it at twenty shillings per barrel, inclusive of the excise, being fourteen shillings and three pence per barrel, exclusive of the excise, nine shillings and six pence is to fourteen shillings and three pence, as nineteen pence to four shillings and nine pence.

Thus,

9s. 6d. sterling is pence 114, the price of the Scots strong beer, exclusive of the excise.

14s. 3d. sterling is pence 171. Ditto of the English.

Two thirds of 171, which is 14s. 3d. is 114, which is 9s. 6d.

Two thirds of 57 pence, which is 4s. 9d. is 38d. which is the medium of excise this way.

Again, if you begin at the lowest rate of the excise, and the lowest price of beer, and from thence draw the proportion upward, then two shillings, the present stated excise, is the same to twelve, as fifteen pence is to six shillings, or so near it, as they sell the beer inclusive: so that the difference is no extraordinary consequence. For example:

Twelve gallons Scots, paying two shillings excise, is sold for twelve shillings sterling, including the duty.

One barrel English small beer, paying one shilling and three pence excise, is sold at seven shillings and six-pence per barrel, inclusive of the duty.

Note, Two shillings is one sixth part of twelve shillings, and one shilling and three pence is one sixth part of seven shillings and six pence.

Thus the excise of both kingdoms stands upon the same foot, and are an exact proportion to one another; and having drawn a rough scheme of these proportions, the Commissioners ordered them to be laid before them; finished the next morning, which was done; and the author had the honour done him to have them accepted, which was a full reward to him, and compleatly suited to his expectations; and they stand in the treaty of Union in his very words.

This.

This is put down here, not at all to value the merit of the author upon, but, however, to do him justice against assuming pretenders.

As to the mistake between the brewers and the excise officers, which fell out afterward in Edinburgh, and which some people industriously strove to blow into a flame, it is explained in its place.

M I N U T E XXIX.

Friday, November 29, 1706.

Prayers said.

Rolls called.

Moved, That the observations made by the Council of Trade in relation to the export and import of this nation and a balance of our trade, be laid before the Committee, to whom the sixth article of Union is remitted; and the same was accordingly ordered: as also the clerks of the said Council of Trade were ordered to transmit to the said Committee all observations, papers and records relating thereto.

Then the Lord Chancellor acquainted the Parliament, “ That the Secret
“ Council, at their last meeting, had under their consideration several accounts
“ of irregular and tumultuary meetings, by some people of the common and
“ meanest degree in arms, and of abuses committed by them at Glasgow, stew-
“ artry of Kirkcudbright and Dumfries, and several places of Lanerk shire;
“ and that there were papers dropt, inviting people to take up arms, and to
“ provide ammunition and provisions, in order to their marching to disturb the
“ Parliament; all which he was directed by the right honourable the Lords of
“ Her Majesty’s Secret Council to lay before the Parliament, to the effect pro-
“ per methods might be resolved upon for preventing the evil consequences of
“ such practices;” and therefore presented a letter from the magistrates of
Dumfries to Her Majesty’s advocate, “ Bearing an account of the abuses and
“ tumultuary meetings in that place, with a declaration emitted by those who
“ met, which was affixt on the mercat cross of Dumfries;” and both were
read.

Whereupon a draught of a proclamation to be emitted by the Parliament,
“ against all tumultuary and irregular meetings and convocations of the lieges,”
was presented and read; and after some discourse thereupon, it being objected,
“ That it did not appear that there was a particular information of any tumult-
“ uary meetings or irregular convocations in any other part of the shire of
“ Lanerk than at Glasgow,”

Her Majesty's High Commissioner was thereupon pleased to notify to the Parliament, "That he had information not only from Glasgow and Dumfries, " but also from several places in Lanerk shire of tumultuary and irregular " meetings of men under arms, and of their giving out and publishing their de- " sign of marching to disturb the Parliament."

Thereafter the draught of the proclamation was again read, and after reasoning thereupon, and some amendments, a vote was stated, "Approve of the pro- " clamation or not."

And before voting, it was agreed, that the members shall be marked as they vote, and that the list of their names as they vote pro or con shall be printed and recorded, and the Lord Chancellor allowed to have his name printed and recorded as an approver; and the proclamation as amended being again read over,

The vote was put, "Approve or not;" and it carried, "Approve."

Thereafter the draught of an act, suspending the effect of that clause in the act of Security "for arming and exercising the fencible men," past in the second session of this current Parliament; and that during this session of Parliament allannerly, read, and a first reading ordered to be marked thereon.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXIX.

The affair of the rabbles in the country came now before the Parliament, for things were come to that height in the country, that it was no longer to be tampered with: the party who had opposed the Union had so far prevailed upon the people, that they began to break all bounds: at Dumfries the articles of the Union were burnt at the market crosses by a number of people in arms, though they were not so many as was reported at Edinburgh, where they industriously enlarged those reports to intimidate the party that was for the Union, and, if possible, to set the mob in Edinburgh to work again; but the guards there did their duty so effectually, that there was no more appearance in the street, though loud threatnings were made of it.

As to the burning the articles, it was true that a number of people being got together did publicly burn the articles of the Union, as concluded in London, with the list of the names of the Commissioners of the treaty, and did affix a paper upon the crosses of Dumfries, which they called, "Reasons for " and designs in burning the articles, &c." after having read the said paper from the crosses.

This paper was afterwards printed, and the printer being ordered to be apprehended, fled for it till the first heat was over; and then he appeared again, and was not questioned for it.

The

The copy of the said paper is added in the appendix to this work, N^o. E x.

But it is hoped, that whereas the paper mentions squadrons of foot and horse, and the report was of 5,000 and 7,000 people, 5,000 in arms that entered the town, and 7,000 in the hills to support them. It was all rumour, the most that appeared in this action being about 200, and these in no sort of military order of equipage, as I have noted before.

Yet was this disorder improved to a great height, and particularly as it was improved to make the Government apprehend the western people were resolved to concern themselves in this affair, and to take arms against the Government. The Parliament was very sensible of this, and being very loth to have any force made use of, they tried all the methods possible, by proclamations, and public repealing the license for mustering, to take away all opportunity of assembling together, by which the people might be drawn into the snare.

It is observable, that, even in the House, there appeared some who were very loth to have these rabbles discouraged and discountenanced; and though I could give more particular instances of it, yet this of objecting against the certainty of the accounts, viz. “That it did not appear that there was a particular information of any tumultuary meetings, or irregular convocations;” this, I say, is a clear proof of it; for these objectors were openly against preventing the mustering or assembling the lieges according to the act of Security, and gave this suggestion, viz. Want of information, for a reason; whereas the matter of fact was, that the Lord Commissioner had real and direct information of this affair of Dumfries, and of private emissaries gone abroad to excite the people to take arms, and the respective meetings of these agents or emissaries in the county of Lanerk, and elsewhere, more than sufficient to justify the precautions mentioned in the minute.

Upon this debate the proclamation was voted, and the act of Security, so far as it concerned this case, was repealed, which had various effects in several parts of the country; in some places it really crushed and prevented their assembling; at Glasgow it irritated and provoked them, and made them more furious than before. But generally it had a very good effect, for it took away the pretence which any of the lairds or heads of clans might have had before to have appeared with the people in arms, and under the pretence whereof they might have been exonerated in law, while an act of Parliament was in force to protect them; for no man could say, if a gentleman gathered 100 or 500 men together, that he had any ill design; and though he armed them and trained them, and kept them together, he could not be accused for any crime, because the law allowed him to do so, under pretence of arming and disciplining the fencible men, as authorized by the act of Security.

This

This appeared therefore so necessary at this time, that a proposal was immediately brought in to repeal that part of the act of Security, at least to suspend it for a time. There was great opposition made to this proposal, and abundance of speeches made applauding the act of Security; how difficult it was obtained, and how much of the liberty of Scotland depended upon it. But the motion being seconded with the necessity of the time, and the causes as above, and withal the proposal being made to extend it only to the time of the present session of Parliament, as per the vote, it admitted the less opposition.

M I N U T E XXX.

Saturday, November 30, 1706.

Prayers said.

Rolls called.

Address of the magistrates and town council of the burgh of Air, for such rectifications of the articles of Union, and such easies of duties and public taxes, as are most agreeable to the circumstances of this nation, given in and read.

Address of heretors and others, inhabitants of the town and paroch of Burntisland, subscribers of the same, against an Union with England in the terms of the articles, given in and read.

Thereafter the act suspending the effect of a clause, as to arming and exercising the country in the act of Security, passed in the second session of this current Parliament, again read; and after some reasoning thereupon, and some amendments, the act as amended was again read.

Then the vote was put, "Approve of the act or not," and it carried, "Approve," and was touched with the scepter by Her Majesty's High Commissioner in the usual manner, under the title of "Act against all musters and rendezvous during the present session of Parliament."

And the said act, and the proclamation mentioned in the minutes of the last *federunt*, were ordered to be forthwith published and printed.

Thereafter the seventh article of Union was again read, and after reasoning upon that part thereof not formerly approven, it was put to the vote, "Approve of the said seventh article or not," and it carried, "Approve."

A print was then given in, intituled, "An account of the burning of the articles of Union at Dumfries," bearing the declaration "Read and affix at the mercat cross thereof by the tumult assembled on that occasion;" and it being moved, "That inquiry shall be made who has been the printer and ingiver of

“ the said scurrilous paper, and that the print be burnt by the hand of the hangman,”

It was remitted to the Committee, to whom the sixth article of Union is remitted, to call for the magistrates of Edinburgh, and to take trial and make inquiry anent the printer and ingiver of the said paper.

Ordered also, That the said scurrilous print be burned by the hand of the common hangman at the mercat cross of Edinburgh upon Monday next, betwixt eleven and twelve o'clock, and the magistrates of Edinburgh appointed to see the order punctually executed.

Then the eighth article of Union was read, and remitted to the Committee, to whom the sixth article is remitted.

“ Act for adjourning the session till the first day of January next,” read, and a clause was offered to be subjoined thereto, in these terms: “ And farther, Her Majesty, with advice and consent foresaid, statutes and ordains, that the session, which is appointed to rise the last day of February next, be continued to sit, for administration of justice to the lieges, from the said day to the last day of March 1707 years inclusive.”

Which being read, the consideration of the said clause delayed till the act be again read, and a first reading was ordered to be marked on the act.

Thereafter it was intimate to all such members as gave in any overtures or clauses relating to the sixth article of Union, to attend the Committee next *federunt*.

Adjourned till Tuesday next at ten o'clock.

OBSERVATION XXX.

The debates of this day were principally taken up about repealing the clause of the act of Security anent arming and exercising as before, and great struggles were made to preserve the clause; but it looked so like abetting the tumults, which were now in their height, that no man could speak heartily to it: for all men pretended, at least, to disown the design of rabbling the Parliament, and breaking up their consultations by tumults and violence; but yet, as far as they could drive it, they opposed this vote.

At 4 o'clock, the act was carried, and the act was touched, and is printed in that part of the work intitled, “ Of the carrying on the treaty in Scotland,” p. 282.

The paper about burning the articles at Dumfries was now censured, and the printer kept out of the way some time; but no proceedings were made on it, only that the paper was burnt by the hangman according to the order.

The difficulties of the sixth, seventh, and eighth articles, being generally respecting taxes, excises, salt, exportations and importations, &c. of trade, were

were referred to the Committee to settle, and shall be spoken to as they came again before the House.

It was then moved, among the great crowd of addresses that had been brought in, one of this day from the burgh of Air, that it should be taken into consideration, not as others, “again” an Union with England, but as a “modification of the articles;” but was for “Modification of the articles, and some amendments, and some additions, and some alterations;” and the Parliament seemed generally inclined to take it into consideration, and the case of taxes, and the references to the Committee, and the difficulty lay how to regulate and to go on, as to make them equal to both kingdoms, reasonable in Scotland, and reasonable in England to comply with, that if it was as possible, be eased, the circumstances of both kingdoms being considered; and England not be imposed upon; for they were not ignorant that there were vigilant endeavours at work to obtain such amendments, that England should stick at, and as might, at least, occasion the treaty to be sent back to Scotland for farther amendments; and then they would be able to raise such farther difficulties, that the time might expire upon their hands, and then the whole work had been to do over again.

MINUTE XXXI.

Tuesday, December 3, 1706.

Prayers said.

Rolls called.

Then the following addresses were given in and read, viz. Address of the merchants, deacons, trades, and other inhabitants, of the burgh of Air, subscribers of the same; address of barons, freeholders, heretors, and others, of the four parochins of Glenkens, in the shire of Galloway, subscribing the same; and address of the magistrates, town council, burgeses, and inhabitants, of the burgh of New Galloway, subscribers of the same: all against an Union with England in the terms of the articles.

Thereafter the “Act adjourning the session till the first of January next” was again read, as also the clause continuing the sitting thereof from the last of February till the last day of March next inclusive, insert in the minutes of the last *sederunt* ; and after debate, it was put to the vote, “Add the clause or not,” and it carried, “Add.”

And the clause being added, the vote was put, “Approve the act or not,” and it carried “Approve.”

Ordered, That the Council of Trade do meet and give in their observations as to export and import, and balance of trade, to the Committee to whom the sixth and eighth articles are remitted, and that betwixt and the next *sederunt* of the said Committee.

Then the ninth article of Union was read, and, after reasoning thereon, it was moved, That six months cefs shall be the quota of the tax to be imposed on Scotland, in place of eight months agreed to by the said article, and after debate thereupon,

A vote was stated, “ Approve of the ninth article or not.”

And thereupon a second state of a vote was offered, viz. “ Whether six months cefs or eight months cefs should be the quota of the tax to be charged on Scotland.”

Then the vote was put, “ Which of the two should be the state of the vote, first or second,” and it carried, “ First.”

Whereupon it was put to the vote, “ Approve of the said ninth article or not,” and it carried, “ Approve.”

Thereafter the tenth, eleventh, twelfth, and thirteenth articles of Union were all severally read, and were separately voted and approved.

The fourteenth article of Union read, and the consideration thereof delayed till next *sederunt*, to be then proceeded upon previous to all other business.

Act adjourning the session to the first day of January next, and continuing the sitting thereof from the last of February till the last day of March next inclusive, touched with the scepter by Her Majesty’s High Commissioner in the usual manner.

Adjourned till Thursday next at ten o’clock.

OBSERVATION XXXI.

The ninth of the articles of the Union could admit of no debate; but whether the eight-months cefs agreed to be the proportion of Scotland, to the land tax of four shillings per pound upon rent in England, were founded upon a true scale of equalities. I have already stated this question in the observations on the minutes of the treaty at London, and need not repeat them : but observe, that the proposal now made of six months cefs, to the English two million land tax, had no arguments at all to support it, that could be made good by just proportions ; neither were there any schemes offered to the House to form any other proportions from, or to prove any thing of equalities upon ; so the making this offer produced no other effect than the bare reciting the several calculates and proportions upon which the other was formed, and which had been approved in the treaty at London ; and upon an easy examination they appeared

appeared so just, that nothing could be offered of any real weight to move the Parliament to alter it; so this clause past with small difficulty.

The tenth, eleventh, twelfth, thirteenth articles, required no debate, consisting only of exemptions to Scotland from several duties and taxes paid in England, which could not be extended to Scotland, such as stamp paper, which in Scotland could not consist with the methods of the law, nor be born in trade; or the window lights, which was determined not to be continued in England, and the coal and culm, which, according to the method of that tax in England, did not reach to the coal in Scotland, other than such as should be carried into England, or exported into foreign parts, which were expressly provided for in the clause, in these words, "That Scotland shall be charged with the same duties as in England for all coal, culm, and cinders, not consumed in Scotland." As to the malt tax in England, which was the thirteenth article, it was temporary, and could not extend to Scotland without a new law; and that was provided against in the next article.

MINUTE XXXII.

Thursday, December 5, 1706.

Prayers said.

Rolls called.

The Parliament was then acquainted, That the Report of the Committee anent the calculation of the equivalent remitted to them, was ready, and in the clerk's hands; and that all persons concerned may see the same, and grounds whereupon it proceeds, before the Report be brought in to the Parliament.

Thereafter the fourteenth article of Union was again read, and an amendment and addition thereto was offered in these terms: "And that the part of the united kingdom now called Scotland, shall not in all time coming be charged with any malt tax, or any other customs, excises, taxes, or any other burdens or duties than these consented to in this treaty."

And after some reasoning upon the first part of the said clause in relation to the malt tax, it was proposed, That the amendment should be in these terms, with this farther provision, "That any malt to be made and consumed within that part of the united kingdom now called Scotland, shall not be charged with any imposition on malt during this present war."

And after some farther debate, the vote was stated, "Whether the exemption from any imposition on malt shall be temporary or perpetual."

Then

Then the vote was given, "Whether the exemption shall be temporary or perpetual," and it carried "Perpetual."

Thereafter it was proposed, "That the exemption shall be during this present war."

It was also proposed, "That the exemption shall be for a longer time."

And after debate thereon it was agreed, "Whether the exemption from any imposition on the trade of Scotland, during the present war, or for a longer time," and it carried "Perpetual."

Then the article as amended was referred to the committee, that further consideration thereof delayed till next parliament, and the parliament then proceeded upon previous to all other business.

Adjourned till to-morrow at ten o'clock.

OBSERVATIONS ON THE XXXII.

The affair of the malt tax came into the debate of the fourteenth article, because it was but a temporary tax in England; and therefore was to be considered amongst these things which the Parliament of Great Britain might hereafter lay taxes upon.

The treaters had acquiesced in a supposition offered in England in these words: "That the Parliament of Great Britain could not be supposed to lay any sorts of burdens upon the united kingdom, but that they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom; therefore it is agreed, that there be no farther exemption insisted upon for any part of the united kingdom, but that the consideration of any exemptions beyond what are already agreed on in this treaty, shall be left to the determination of the Parliament of Great Britain." Upon this account they did not insist upon exemptions of duties any farther than the said duties were then extended in England. But people were now come to a greater length, and they did not care to trust the British Parliament so far. They had encouraged all manner of jealousies of the British Parliament; the people had received no notions but of Scotland's being always opposed by them, both in civil and religious concerns; and that therefore nothing was to be left to them. That the British Parliament was to be fenced against as a declared enemy, and the representatives of Scotland being like to be but a few, viz. forty-five to five hundred and thirteen; they were to be crushed by number, outvoted, and disregarded in every thing relating to Scotland.

There is no more wonder to be made that they were for making every thing scarce, and settling it to points and pinculios, who had entertained such

notions as these. The malt tax therefore being acknowledged insupportable in Scotland, and the treaters having determined it so, and exempted Scotland from it, for as long time as it was now in force in England: the Parliament building upon that supposition, resolved to determine the time of the exemption, that they might be sure of it.

It was moved very briskly, That Scotland should for ever be exempt from it; but that went not far, as appears in the vote; some were for a certain term of years, some for an exemption during the war, others for a certain number of years after the war.

The exemption during the war seemed the most rational, because it was known that the tax upon malt was a temporary tax, given but upon the emergence of the war; and as the gentry of England were with difficulty brought to submit to it, so they were not easy under it, and would never suffer it to continue after the war, having for that end given it but from year to year, that it might not be entangled with anticipations, or appropriated to payments that should continue it; and therefore to exempt Scotland during the war, was a total exemption in its kind, and seemed sufficient. This was opposed a little; but, as being a point gained, those who sought the regulation of conditions only, came freely into it, and so it passed.

MINUTE XXXIII.

Friday, December 6, 1706.

Prayers said.

Rolls called.

The fourteenth article of Union, as amended, again read; also the clause offered to be added to the said article, insert *in the minutes* of the last *session*, as to the exemption from any other customs, ~~as~~ *duties*, ~~taxes~~, or any other burdens or duties than those consented to in this treaty.

There were two states of a vote proposed; the first in these terms, “Approve of the article as amended or not;” and the second in these terms, “Approve or amend.”

And before voting it was agreed, That the members shall be marked as they shall vote in both votes, and that the list of their names shall be recorded and printed accordingly.

Then it was put to the vote, “Which of the two shall be the state of the vote, “first or second,” and it carried “First.”

Thereafter

Thereafter the vote was put, " Approve of the article as amended or not," and it carried, " Approve."

Adjourned till to-morrow at ten o'clock.

O B S E R V A T I O N XXXIII.

The debate of this day ran only upon the affair mentioned before, viz. Whether they should depend upon the British Parliament maintaining a just and equal regard to the good of the whole united island after the Union, and that they would have respect to the circumstances of every part in their laying on taxes, or whether they should pin them down in all time coming, that no other burdens or taxes should be laid on than those already mentioned.

The supposition of the Parliament of Britain being partial against Scotland, and the representatives of Scotland being few, being oppressed and out-voted, as I have noted already, though it was a popular notion, and improved to an extravagant height without doors, yet it had not obtained so as to be owned in Parliament; nor indeed could any man, with just reason, have supposed such a thing; and therefore to offer at a positive limitation on the Parliament of Britain, seemed to have something in it very harsh.

Again it was alledged, That to limit the Parliament of Britain not to lay on any other customs, excises, taxes, duties, or burdens, than those consented to in this act, was to take away the power from the people of Britain, to conform their affairs even to their own circumstances, since the time might come when some of those duties might become burdensome that now were not so; and others, which now would be burdensome, might be more for the public service; but to tie the Parliament down absolutely, as in this clause, would be to limit them from making alterations in the public taxes, though apparently for the public advantage, and would in effect take from them that power for which they were really constituted, viz. To dispose of the people's purses, and redress their grievances.

It was long argued, That the Parliament ought to be limited in this case, because of the danger there was of Scotland being burdened with intolerable taxes, and of the present circumstances of Scotland which were allowed to be unable to bear them; that, under the pretence of alteration of taxes, oppressive duties might be laid upon Scotland, which, though they might be tolerable in England, were not so here, and they ought to provide against them.

But it was resolved at last into this, That all future contingencies must be left to a British Parliament, and the words of the articles contained a sufficient reason for so doing, viz. " It could not be supposed that the Parliament of Great Britain will ever lay any sorts of burdens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances

“ circumstances and abilities of every part of the United Kingdom; therefore
 “ it is agreed, that there be no farther exemption insisted upon for any
 “ part of the United Kingdom, but that the consideration of any exemptions,
 “ beyond what are already agreed on in this treaty, shall be left to the de-
 “ termination of the Parliament of Great Britain.”

And thus, with some difficulty, the clause was passed without any farther amendment.

MINUTE XXXIV.

Saturday, December 7, 1706.

Prayers said.

Rolls called.

The fifteenth article of Union read, and thereafter the first clause or paragraph thereof again read, as also the Report brought in from the Committee for examining the calculation of the equivalent, being as follows: The Committee of Parliament, to whom the considering of the calculation of the equivalent was remitted, having considered the report made to them by Doctor James Gregory, professor of the mathematics in the college of Edinburgh, and the report made by Doctor Thomas Bowar, professor of the mathematics in the college of Aberdeen, of their several and respective examinations of the calcul, and grounds thereof, whereupon the Commissioners, in treating the article for establishing the equivalent, did proceed; and also having considered the report of the Sub-committee thereanent, they find, that the computation of the equivalent, mentioned in the article is just, and that the calcul is exact, and well founded in the terms, and in manner expressed in the said article.

Whereupon it was proposed to delay the consideration of the said fifteenth article, until reports be brought in, in relation to the sixth and eighth articles from the Committee to whom the said articles are remitted.

And after debate thereon, it was agreed, that the proceeding on the fifteenth article shall not be understood to be any determination of the sixth or eighth articles that stand committed, but that the reasoning and voting on the sixth and eighth articles shall be entire.

Then a state of a vote was offered in these terms, “ Approve of the first paragraph of the fifteenth article or not;”

But it being moved, “ That the Parliament first consider whether we shall be concerned in the payment of the English debts:” a second state was thereupon offered, “ Whether we shall engage in the payment of the debts of England, yea or not.

And after some reasoning thereon, it was put to the vote, which of the two should be the state of the vote, first or second.

And before voting it was agreed, that the members votes shall be marked, and that a list of their names as they shall vote shall be printed and recorded.

And the Lord Beilhaven gave in a protest as follows: " I do protest in my own name, and in the name of all those who do adhere to this my protest, that the voting and agreeing to the first clause of the fifteenth article of the treaty of Union, doth no ways infer any manner of consent or agreement, that Scotland should be liable to the English debt in general, but that it may be lawful to object against any branch of the said debt not already determined : " And he took instruments thereupon, and the Duke of Hamilton, the Earl of Selkirk, the Lord Saltoun, Andrew Fletcher, of Saltoun; Sir Humphrey Colquhoun, of Luss; David Bethun, of Balfour; Major Henry Balfour, of Dunboig; Mr. Thomas Hope, of Rankeilior; Alexander Watson, and Mr. Robert Frazer, adhered thereto.

Then the vote was put, " First or second," and it carried, " First."

Thereafter it was put to the vote, " Approve of the first clause or paragraph of the fifteenth article or not," and it carried, " Approve."

Her Majesty's High Commissioner, and the estates of Parliament, did recommend the persons employed in the calculation of the equivalent by the Committee, to whom the examining thereof was remitted, to the Lords of Her Majesty's Treasury, for a gratification for their pains.

Adjourned to Tuesday next at ten o'clock.

O B S E R V A T I O N XXXIV.

They were now come to the great article of the equivalent: It had been offered at in the fifteenth article, and by consent referred to a Committee; which committee had spent a great deal of time upon it; had examined all the calculations made by the clerks employed in London during the treaty; had cast up the interests, and the valuation of years, to reduce every annual payment upon ready money, upon equal rebates and allowances; and their report was now brought in, by which it appears, that the calculations made in England were very just, so that no objection lay against that part of the work.

The first question then was, Why should Scotland concern itself in paying England's debts at all? And on this head it is necessary to be something large, since the learned debates on this head filled the whole nation, and the opposers of the Union advanced abundance of objections against the very thing called an equivalent; in the first place, as needless and impertinent;

that

that England should pay its own debts, and keep her own money, and the like; that to make Scotland pay taxes, and then give her an equivalent, was doing nothing as to equalities, for that though it might be an equality, nationally speaking, it had no personal justice or equality at all; since, the private persons that should pay it, would never receive any equivalent for the injury they received.

Some answers to this I shall set down here, as they were argued in the House, and after made public by an honourable member of the Parliament, now Baron of the Exchequer in Scotland, Mr. Clark, of Pennycook.

1. That no communication of the trade of England can be given to the subjects of Scotland, unless we are satisfied to pay equal customs and duties upon export and import, and equal excises. The reason is plain; for otherwise, the merchants residing in Scotland would be put in a condition to ruin the whole trade of England.

2. That an equality of excises in both kingdoms, is as necessary as an equality of customs; for, not only all immediate burdens on trade are to be regarded, but even these things which affect and influence trade.

3. That though a fœderal Union was practicable between the two kingdoms (as I believe it is not) yet even by that Union, we behoved to undergo the burden of equal customs and excises, otherwise there could be no communication of trade.

4. That a great part of the English customs, and excises is appropriated towards payment of their debts; so that the paying of the English debts and the paying of equal customs and excises, are almost reciprocal terms to signify one and the same thing, or otherwise, that these customs and excises payed after the Union, will be appropriated towards paying our own debts, which is the same, as shall more fully appear hereafter.

5. That these debts (being after the Union to be called the debts of Great Britain) are so necessary and inevitable burdens on Scotland, that neither by an incorporating or fœderal Union with England, can Scotland be free of them; since, as was said before, they are included and wrapped up in the very notion of equal customs and excises.

From these positions it follows, that since under all sorts of Union, whatsoever, with a communication of trade, we must be subjected to equal customs and excises, and that a great part of these is applied towards payment of the debts of England, therefore, in common justice, a provision behoved to be made to Scotland, for re-imbursing what we shall be charged on the score of these debts, which by this article of the treaty is called an equivalent.

This equivalent is so contrived and adjusted, that thereby we cannot properly look on ourselves as engaged in the English debts, for no man can be properly said to pay a debt for another when the money is either advanced before hand to the payer, or at farthest, the next moment after it is payed out, which will be Scotland's case.

It was evident that a communication of trade was the interest of Scotland, and was the clearest advantage on the Scots side, and most unexceptionable in the whole treaty: it was impossible this communication of trade could be established, and could be entirely free, unless an equality of customs, excises, and of all sorts of payments were settled at the same time; so that these people who were so backward to come into the English debts, were leading into a rejecting the only advantage which they themselves acknowledged was to be had by the Union.

The equality of excises and customs being thus absolutely necessary, the English debts came to be concerned, because the customs and excises of England, being appropriated as funds to pay the interest of annuities, and such like incumbrances, the same duties in Scotland would of course run in the same channel, come into the same charge, and under the same incumbrances; and it could not be otherwise, without running things into all manner of confusion.

The treaters in London had been convinced of this, and therefore readily came into it, demanding an equivalent to Scotland, suited to so much of the Scots revenue, as should be so appropriated to the payment of the English debts.

But it was the hardest thing in the world, to make the people in Scotland apprehend it: not but those who were more immediately concerned in the debating it, understood it well enough; but it served as a handle to rally the Union, and the thing being rendered as intricate to the common people as possible, that they might be the more moved to oppose it; these ignorantly running away with a notion, that Scotland was to pay the English debts, began to rage at the treaters again, and cry out, they were sold and betrayed; to tell them of an equivalent, was to say nothing; and, as many did not understand it, so they that did, would not seem to understand it; the very word became proverbial, and was the jest of conversation, till the aversion to it rendered it in a manner contemptible. To bring Scotland in to pay the English debts! What, was not Scotland poor enough already? Was this the advantage of the Union! It could not be suffered, and the treaters had betrayed them. Such discourse as this was the subject of the common people's conversation, and the answering them with the story of an equivalent to be paid them was to tell them something which they neither understood nor entered into the examination of.

It:

It would be very hard to describe how this kind of discourse irritated the poor people, and how they were imposed upon in the daily accounts spread of this new wonder called the equivalent, of which calculations were made; representing, that in a year, Scotland would repay all the money advanced from England, by the increase of customs and excises; and so after that rate, notwithstanding of the equivalent, Scotland would be drawn into an entail of taxes for an hundred years, to clear off the vast debt of twenty millions which England was now liable to.

I shall have occasion to answer this in a subsequent observation: but I cannot but note, that by a due calculation laid before the Parliament, it was made very plain, that England would be so far from being reimburs'd in a year, as above, that reckoning the common interest of the money advanced in the equivalent, with the medium of years in which great part of the duties the other people had calculated from was to expire, the equivalent advanced in money to Scotland would not be repayed in ninety years.

Yet was not all this able to allay the prejudices of the people at the affair of paying the English debt, which they run away with so eagerly, and so universally rag'd against, that had not the rabbles been in good time crush'd before, and that so effectually, that they could not begin again, it was thought this very thing would have influenced them to a more dangerous degree than any thing.

But this was offered by degrees, the work of this day was only to debate the first clause, viz. Whether Scotland should be entirely free from the English debts, or whether they should come in to the appropriations of the English duties, accepting of an equivalent; and after a very warm debate, the case was carried as by the minute.

M I N U T E XXXV.

Tuesday, December 10, 1706.

Prayers said.

Rolls called.

Address of heretors and commons of the town and paroch of Douglass, subscribing the same; and address of parochioners of Carmichael and Petinean, subscribers of the same; both against an Union with England in the terms of the articles, were given in and read.

The sixth article of Union again read, as also a report of the Committee to whom the same was remitted in the terms following, viz. "The Committee
of

“ of Parliament appointed for considering the sixth article of the treaty of
 “ Union, and proposals made in Parliament relative thereto, having con-
 “ sidered the clause under written, anent the premiums and rewards for export-
 “ ing of victual, are of opinion, that the clause after mentioned be added
 “ to the article of Union, whereof the tenor follows, viz. ‘ And seeing by the
 “ ‘ laws of England, notwithstanding there are rewards granted upon the ex-
 “ ‘ portation of certain kinds of grain, wherein oats grinded or ungrinded are
 “ ‘ not specified; that from and after the Union, when oats shall be at fifteen
 “ ‘ shillings sterling, per quarter or under, there shall be payed two shilling
 “ ‘ and sixpence sterling, for every quarter of the oatmeal exported in the
 “ ‘ terms of the law, whereby, and so long as rewards are granted for export-
 “ ‘ ation of other grains, and that the bear of Scotland have the same rewards
 “ ‘ as barley.”

And upon a motion, “ That the premium to be allowed should be higher,”
 after a long debate thereon, it was put to the vote, “ Approve of the Report
 “ or alter,” and it carried, “ Approve.”

Adjourned till to-morrow at ten o’clock.

O B S E R V A T I O N XXXV.

“ The committee to whom the several articles about trade were referred,
 began now to make their reports, and beginning with the sixth article con-
 cerning equalities of allowances and encouragements, they made their re-
 port about the allowances on exporting victual, by which is understood
 corn only, which is commonly called victual in Scotland.

The allowance here offered by the Committee, was on these considerations :
 It had been used in England to give a bounty or allowance on the exporta-
 tion of grain, to encourage the merchant to export, it being a sure rule in
 trade, that all the mere product of the earth which can be spared and ex-
 ported abroad, over and above the necessary consumption of the nation, is
 clear gain to the public stock.

But oats in England had no allowance or bounty on the exportation, be-
 cause it was generally supposed, that England had never any quantity of oats
 to spare more than they consumed among themselves, but were rather always
 ready to buy oats from abroad than to export them.

On the other hand, oats being the principal kind of grain sowed in Scotland,
 it was equally necessary to encourage the exporting of oats, as it was to en-
 courage the exporting of wheat in England.

But this was answered, by telling them, that there was no need of propos-
 ing a bounty upon the exportation of oats, for that England would always
 take off whatever quantity of oats they could part with; and to offer a bounty

for exportation of that abroad, which was really wanted at home, was absurd, contrary to the rules of trade, and the nature of the thing. Farther it was offered, that should a bounty be offered on the exportation of oats, the out-ports in England, which now supply London, lying ready for the trade to Holland and Flanders, would send all their oats abroad, and London would not be supplied but upon dear rates.

These arguments prevailed with the Committee as to oats; but there being a very gainful trade carried on from Scotland to Norway for oatmeal, which it was worth while to encourage, as a trade that generally brought into Scotland a great deal of bullion and money in specie; the Committee thought fit to place a bounty upon the exportation of the oatmeal as per the vote, and the state of the time when the said bounty should be paid being fixed, when oats shall be no higher than fifteen shillings per quarter, there could be no danger that the greatness of the export should influence the market at London, so as to make oats scarce or dear; since, after they came to fifteen shillings per quarter, no bounty money could be demanded.

This was founded upon so just a calculation of equalities in trade, that it met with no opposition in the Parliament.

M I N U T E XXXVI.

Wednesday, December 11, 1706.

Prayers said.

Rolls called.

Then the following addressees were given in and read, viz. addres of the Presbytery of Dumblain, subscribing the same; addres of the Presbytery of Hamilton, subscribing the same; addres of the inhabitants of the parochins of Caputh, Lethendy, Alyth, and Kinloch, in Perthshire, subscribers of the same; addres of the inhabitants of the parochins of Errol, Kilspondie, Kinnaird, Inchtute, Longforgan, St. Madoes, and Kinfauns, in Perthshire, subscribing the same; addres of heretors, the minister, elders, and heads of families, in the paroch of Logie, subscribers of the same; and addres of the parochins of Airth, Larbert, Dunipace and Deny, subscribing the same; all against an Union with England in the terms of the articles.

Thereafter a proposal given in for a farther addition to the sixth article, in these terms, viz. “ And that there be likewise a premium allowed for the exportation of oats proportionally with the meal, compting three bolls of oats to one quarter of meal;” so that the premium may be ten shillings Scots for every boll of oats exported.

Which being read, after debate thereupon, it was put to the vote, “ Allow a premium on the exportation of oats or not;” and it carried, “ Not.”

Then

Then a second report of the Committee, to whom the sixth article is remitted, was brought in and read, in these terms : “ The Committee of Parliament appointed for considering the sixth article of the treaty of Union, and proposals made in Parliament relative thereto, having considered the clause under written, are of opinion, that it should be added to the articles of Union as follows : “ And in respect the importation of victual into Scotland from any place beyond sea would prove a discouragement to tillage ; therefore, that the prohibition, as now in force by the law of Scotland, against importation of victual from Ireland, or any other place beyond sea, into Scotland, do, after the Union, remain in the same force, as now it is.”

And after some reasoning, it was proposed to add to the above report the subsequent clause, viz. “ Until more proper and effectual ways be provided by the Parliament of Great Britain, for discouraging the importation of the said victual from beyond sea.” And after some farther reasoning, the said report was agreed to, and it was put to the vote, “ Add the above clause to the said report, or not,” and it carried, “ Add.”

Thereafter an overture for an act for additional premiums on exportation of victual, to commence the first of February, and to end the last of April, both next to come inclusive, given in and read ; and agreed, that the same be taken into consideration immediately after the reports relating to the sixth article of Union.

Then a third report brought in from the said Committee was read in these terms : “ The Committee of Parliament appointed for considering the sixth article of the treaty of Union, and proposals made in Parliament relative thereto ; having considered the clause mentioned in the twenty-seventh day’s minutes, anent the making and exporting of plaiding, fingranis, Galloway-whites, farges, stockings, and all sorts of linen, to England, dominions, and plantations thereof, or any part beyond sea, free of any duty or imposition ; and having considered the English acts of Parliament relative thereto, particularly the 32d act *primo Gulielmi & Marise*, and the 20th act *Gul. undecimo & duodecimo*, in regard there appears to be no restraint at present, regulating the way and manner of making English woollen cloths and others to be exported, and that all the woollen manufactures are declared to be free of duty and imposition whatsoever at exporting, and that, by the said sixth article of the treaty of Union, all parts of the united kingdom are to have the same allowances and encouragements ; therefore, the Committee are of opinion, that the adding the aforesaid clause to the articles of treaty is unnecessary.”

And after debate the vote was put, “ Approve of the said third Report, or Not ;” and it carried, “ Approve.”

Thereafter

Thereafter a fourth Report was brought in from the said Committee, and read in these terms, viz. “ The Committee, to whom the consideration of the
 “ sixth article of Union, and proposals made in Parliament relative thereto,
 “ are remitted, having considered that clause mentioned in the twenty-seventh
 “ day’s minutes; That, after the Union, all sorts of Scots linen, or any kind
 “ of cloth made of flax or hemp, be exported out of the united kingdom,
 “ free of all customs or impositions whatsoever; after full reasoning on the said
 “ clause, the Committee are of opinion, That the adding of the said clause
 “ to the articles of the treaty of Union is unnecessary, the English duty on
 “ linen being only six pence sterling on the forty English elns.”

And after debate thereon, a vote was stated, “ Approve of the said fourth
 “ Report of the Committee, or alter;” and it carried, “ Approve.”

Adjourned till to-morrow at ten o’clock.

OBSERVATION XXXVI.

Notwithstanding what was argued in the Committee, which I have noted above, and at which I was present, having had the occasion to make several of these calculations for the service of the said Committee; some gentlemen in the Parliament insisted upon the allowing a drawback or bounty-money upon exportation of oats; but when the same reasons mentioned above, which had been argued in the Committee, came to be offered in full Parliament, it was so convincing, that they soon acquiesced; and so it was carried without, as per the minute.

The subsequent Reports of the Committee mentioned in this day’s minutes, seemed only to add the authority of the Committees examinations to what had before been offered in public, viz. That, after the Union, the exportation of linen and woollen manufactures would be free, and the several manufactures be under no restraint or regulations, but that either in transporting them to England, or exporting them to foreign parts, all was open and free by the Union.

And this report of the Committee was a full proof of what I have all along alledged, viz. That the common people of Scotland were intolerably imposed upon, especially in the accounts spread abroad relating to trade; and in this in particular, viz. That the Scots woollen and linen manufacture would be subjected to several restrictions and regulations in England, which could not be complied with.

This was grounded upon an office in England, granted by patent some years since, which was called the Aulnage, which amounted to no more than putting a seal and demanding a fee upon every parcel of woollen manufactures brought to London, under pretence of viewing if they were marketable;

but this duty or fee being a very small trifle, and the power of inspecting found deficient, it was of no force at all, and therefore, upon the Committee's examining this, they saw no ground of objection.

The next objection was about exportation ; and here it is observable, that the opposers of the Union had not only suggested, but openly printed, and exposed about the streets such absurdities as these, That the Scots linen would not be admitted into England, but a great duty would be laid upon it to gratify the Dutch ; that great duties were to be paid upon both linen and woollen manufactures on their exportation, and the like. Now, it was very happy, that these things came to be considered and examined by a Committee. For now it was evident,

1. That no duty could be laid on the transporting any linen or woollen goods from Scotland to England, which were the growth or manufacture of Scotland, the article of communication of trade having effectually taken off all impositions between the counties or shires of all Great Britain equally to all.

2. As to the duty on woollen goods, there never was any duty paid outward, but what was called the old subsidy of tonnage and poundage, which was five per cent. which had been effectually taken off, and that act repealed in the act of Parliament mentioned in the Report, and no duty at all was paid on any woollen manufacture whatever exported out of England, and by consequence could not be out of Scotland.

3. All linen cloth was so free, that the duty on cloth imported to England from foreign parts, was all drawn back by certificate on the exporting it again, in order to encourage the said exportation, and for linen exported made in Britain, it was so small a trifle paid, viz. six pence on forty ells, that it was not worth notice.

This Report of the Committee put a great stop to the clamours that had been so loud upon the article of trade ; and when this vote was made public, the people began to see they were imposed upon, and that these things in England were misrepresented.

M I N U T E XXXVII.

Thursday, December 12, 1706:

Prayers said.

Rolls called.

Ordered, That a scurrilous print, intituled, “ *Queries to the Presbyterian noblemen, barons, burgeses, ministers, and commoners in Scotland, who are for the scheme of an incorporating Union with England, according to the articles agreed upon by the Commissioners of both nations,*” be burnt by the
hand

hand of the common hangman at the Market Cross of Edinburgh to-morrow, betwixt eleven and twelve of the clock, and the magistrates of Edinburgh appointed to see the same punctually done.

And remitted to the Committee of Parliament, to whom the sixth and eighth articles of Union are remitted, to make inquiry anent the printer, author, and in-giver of the said scurrilous paper.

A fifth Report was then brought in from the Committee, to whom the sixth article of Union is remitted, and read in these terms, "The Committee of Parliament appointed for considering the sixth article of Union and proposals made in Parliament relative thereto, having considered the clause under-written, are of opinion, that it should be added to the article of Union as follows: 'Excepting and reserving the duties upon export and import of such particular commodities from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which after the Union are to remain safe and entire to them in all respects as before the same;' and after some reasoning, it was put to the vote, 'Approve of the said fifth Report, or not,' and it carried 'Approve.'

A sixth Report, brought in from the said Committee, was read in these terms, "The Committee are also of opinion, that there be a clause added to the articles of Union in these terms, viz. 'That from and after the Union, no Scots cattle carried into England, shall be liable to any other duties, either on the public or private accounts, than these duties to which the cattle of England are or shall be liable, within the said kingdom.'"

And a vote was stated, "Approve of the said sixth Report, or not;" and it carried, "Approve."

A seventh Report was brought in from the said Committee, and was read in these terms, "The Committee having considered the clause mentioned in the twenty-seventh day's minutes, which was desired to be added to the articles of Union, viz. That Scotland shall be free from, and no ways subject to, the prohibitions against exporting of wool, sheep and lambs skins with wool upon them, and woollen yarn, for the space therein mentioned, after full reasoning thereanent, the Committee are of opinion, that the foresaid clause ought not to be added to the articles of the treaty, but that the exporting of wool, sheep and lambs skins with wool upon them, and woollen yarn, ought to be under the same prohibitions as in England."

And after reasoning, a state of a vote was offered, "Approve of the said seventh Report of the Committee, as to all, except mort lambs skins, and remit to the said Committee to receive overtures for encouragement of wool masters and woollen manufactures, Yea or Not."

After some reasoning, it was proposed, that a premium be given upon exportation of coarse cloth made of tarr'd wool, for encouragement of the wool masters.

And thereafter a Resolve was offered in these terms : “ Resolved, That there
 “ shall be an encouragement provided to the heretors of wool counties, in
 “ case the Report of the Committee anent the exportation of wool, &c. be
 “ approved.”

And after some reasoning, a proposal was given in for adding a clause in these terms : “ And for remedying the loss wool-masters may suffer, and for encour-
 “ aging the manufacturing of tarr’d wool within the kingdom, and to prevent
 “ effectually the exporting thereof, it is provided and declared, That for the
 “ space of seven years after the Union, when the tarr’d wool within the shires
 “ of Roxburgh, Selkirk and Tweeddale, is at four pound Scots or under for
 “ the stone weight, fifteen shilling Scots shall be payed of premium for every
 “ stone weight of tarr’d wool, to every wool master, who within a month after the
 “ said tarr’d wool is clipped or shorn off the sheep, shall, by his own oath, or the
 “ oaths of two habile witnesses, before any Judge Ordinar, make appear that the
 “ number of stones of tarr’d wool specified in the said oaths were truly and
 “ really clipt and shorn from sheep in Scotland, properly belonging to the
 “ persons mentioned in the said oaths ; and which premium shall be payed the
 “ next collector of cefs, excises, or customs, upon delivering to them the
 “ foresaid depositions signed by the deponents, and Judge foresaid, with a
 “ receipt of the money, and the said collectors, and each of them, shall be
 “ personally liable for the said premium, upon instruments taken against them
 “ in case of refusal, and the foresaid depositions and receipts shall be allowed to
 “ the said collectors as an exoneration in their accompts *pro tanto*.”

And after some farther debate, that the said seventh Report be remitted back to the Committee, with the several proposals made thereanent, a second state was offered for a vote, in these terms, “ Approve of the said seventh Report of
 “ the Committee, or remit the same, and proposals thereanent, back to the
 “ Committee.”

After debate, which of the two should be the state of the vote, whether first or second, it was put to the vote, “ First or Second,” and it carried “ First.”

Thereafter the vote was put, “ Approve of the seventh Report of the Com-
 “ mittee as to all, except mort lambs skins, and remit to the said Committee
 “ to receive overtures for encouragement of the wool-masters and woollen ma-
 “ nufacture, or not ;” and it carried, “ Approve,” in the terms of the state.

Petition of John-Henry Huguetan and his factor, craving to be naturalized, and also craving a protection, read, and the consideration thereof delayed till the first *sederunt* of Parliament on private business, to be then taken into consi-
 deration next after the act in favour of the burgh of Dundee.

The Committee appointed to meet in the usual place to-morrow at nine o’clock.

Adjourned till Monday next at ten o’clock.

O B S E R V A T I O N XXXVII.

There was a clause in the treaty for the reserving all private rights, &c. as per the 20th article; now, some of these private rights amounted to exemption from certain customs and excises, as particular privileges to this or that place or person, as at Glasgow for encouragement of their sugar-works, they are exempted from paying any excise for the spirits they distil from the melasses, bottoms, scunnings, &c. and so in several towns they were exempted from such and such customs; these were of necessity to be exempted, because by another article, as above, private rights on both sides were to be preserved.

Now, as this was for Scotland on one hand, so it was for England on another; for the city of Carlisle, and the family of Sir Christopher Musgrave, had an ancient right of taking toll of all the cattle which passed from Scotland to England, over such passes or bridges as they had the Lordship of, and these by private rights were actually reserved.

But the Committee having demanded here the taking away the toll, paid as above, the private right on the English side ceased; so that what seemed solid and confirmed by the Union in one part, was yet invaded and taken away by another. But to reconcile this matter, the Parliament of England interposed; and when some people thought they had now brought their affair to a head, and that now the treaty must break, behold, a medium was found out in England, viz. That the Parliament in England bought these private rights of the city of Carlisle, and of the family of Sir Christopher Musgrave, and giving them an equivalent for them, they acquiesced, and all ways were laid open for all manner of Scots or English goods to pass and repass without any toll, stoppage, or interruption, whether cattle or corn, or any other kind of goods, except such as (Scotland being exempted from the taxes of in this treaty for a time) were not to be carried into England during that limited time; or if they were carried in, were liable to the English duties as soon as they came into England, such as salt, coals, malt, fish cured with Scots salt, &c. as is more particularly explained hereafter.

Thus the private rights in Scotland were preserved entire, according to the treaty, and in England also; for if they were invaded by the treaty, the subject had such satisfaction given him in money, as that he appeared willing to resign those rights; as the city of Carlisle for instance, who, I think, had two thousand five hundred pounds sterling given them, for parting with the right of toll upon Scots cattle, &c.

In this exact equality the sixth Report of the Committee about Scots cattle became, as it were, settled; but it was objected, that the Parliament might hereafter lay on a particular tax upon the Scots cattle passing into England, either in favour of the Irish cattle, or upon any other subsequent occasion which could not be foreseen; and therefore the sending lean cattle from Scotland into England, being such a considerable article to Scotland, and on which the estates of the northern gentry did almost wholly depend, all their rents being paid them in cattle, for which they had no other vent or market, but their being sent into England, and that any tax or toll being hereafter laid on them, might entirely put a stop to it, and consequently impair, and almost ruin the estates of the gentry and nobility of Scotland. On this consideration, it was thought fit by the Committee, to secure Scotland effectually from so much as a jealousy or uneasiness about it, by making it a part of the Union, “ That from and after the Union, no Scots cattle
 “ carried into England shall be liable to any other duties, either public or
 “ private, than the cattle of England.” This was again an article of equality; for the case was, not to exempt the Scots cattle entirely from any tax, which the united Parliament might think fit to lay on cattle in general, if ever the article of general excises, so much talked of in England, should be offered at; but to bring the Scots cattle upon a level with all the rest of the cattle in England; and to provide that Scots cattle, *qua* Scots cattle, should be under no particular national disadvantage; and this was thought reasonable on every side.

The seventh Report of the Committee requires some explication on several accounts. It was true, and no question was to be made of it, that Scotland having then an open trade with France, without restriction, and that their wool was under no prohibition at all, but freely exported to France, or any other part of the world, and that this liberty being by the Union to be absolutely and entirely restrained, the prices of wool in Scotland would of course very much fall, and the gentlemen of the south and west parts of Scotland, such as in Roxburghshire, Selkirk, Tweeddale, and Galloway, whose estates very much consisted in the product of their sheep, would receive a very sensible blow by it; though it was remarkable, that some people were for giving all Britain a worse blow, to prevent the injury done to those countries, viz. To allow exporting the wool; and some warm debates were upon this head.

To explain this, it was to be inquired into, under what kind of influence, and by whose management the trade of Scotland was at first laid open, and the exporting of wool permitted in general: this, as it produced no effect, but the ripping up old sores, and reviving personal and party reflections, I

shall let fall. But this was certain, that whoever were the occasion of it, the shipping off the wool from Scotland was very injurious to the public advantage of Scotland, a mortal wound given to the industry of the people, discouraging all attempts of manufacturing among them, which they were now coming into, and which their neighbours of England had so much been enriched by : it was apparent, that the small exportation they formerly had of coarse woollen manufactures to Swedeland and the Baltick, was now almost brought to a full stop, and the Swedes, on the contrary, took their wool from Scotland, which they had not been used to do, by which it was apparent, they having the wool, made the manufactures themselves; and this was a dead loss to Scotland, just so much as the employment and labour of their poor amounted to.

From this part of national ill husbandry, no body could be supposed to receive any benefit, except the exporter and the wool master; so they call the gentlemen of Galloway, Roxburgh shire, &c. whose estates are very much depending upon sheep.

This being the occasion of the rising the prices of their wool, and their advantage being thus begun in the error and injury of their country, it seemed to be no national affair to make good the loss that was supposed now to happen by the Union; which was indeed but reducing things to where they were before, and taking away that advantage, which, if the eyes of their representatives in former Parliaments had been open, they never had, and which it was the loss of the whole kingdom, that they ever had at all.

However the Parliament, who, going upon the great scheme of equalities, so often mentioned, appeared willing to make all people easy; were ready and forward enough to have an allowance, by way of equivalent, given to the gentlemen that were sheep masters, and who should be pinched by the falling of the price of their wool; but then it was debated, in what manner that equivalent should be given; for, to give to particular persons such and such a sum of money, would seem partial, and be short of the design; as it would be some personal satisfaction indeed, but no national satisfaction. The money given, therefore, ought to be for the public good; and this could be by no method so exactly stated to the circumstance, as by appropriating the money to such gentlemen, who being wool masters, would apply that money to the manufacturing that wool in their own country; thereby both increasing the consumption of the wool, and setting the poor of their respective counties to work; this scheme had too much equity in it, and too much of the public good in it to be disliked; nor did those that opposed it pretend to object much against the reasonableness of it; but still it was opposed, and the reasons for which it was opposed were manifest.

The

The party, who, as I have all along noted, sought some occasion or other to break off the treaty, had now this method only left, viz. To clog the affair with such amendments or alterations, which they knew England either would not or could not grant; nor did they stick in conversation honestly to own, that they did not dislike the reasons of several things that they opposed, were they consenting to the Union in general; but they were against the Union, and therefore they were obliged to oppose the particulars, in order to oppose the general.

These gentlemen therefore very warmly argued for a freedom of exportation of wool, and for having it made a clause in the articles; which, if they had gained, they easily foresaw the Union must split upon that rock, for that England, who have made it felony, and always prohibited the export of their wool under the greatest penalties, neither would or indeed could come into it.

It was urged, this liberty of exporting wool might be restrained to Scotland only; that it was absolutely necessary to Scotland, for that they could not manufacture all their wool in their own country; that their wool was coarse, and did not injure the English trade, since all their manufactures were of fine wool; that, if Scotland could not manufacture their wool, nor should be suffered to export it, the wool would be of no use, but must perish, and be good for nothing; that the manufactures now set up in Scotland being chiefly fine goods, were generally made of English wool; and after the Union, the wool from England being generally brought in thither, the wool of Scotland would be of no manner of value.

But these arguments were answered thus, That, to allow the exportation of wool from Scotland only, would oblige the Government to keep still on the borders an army of officers, to search and examine the passage of all goods passing between the kingdoms, and keep up that distinction of kingdoms, which, as to trade, as well as government, was to be wholly taken away by the Union; that, after all, it would be impossible to prevent the carrying of wool into Scotland, and consequently the exportation of English wool with, or instead of, Scots wool.

In the next place, this would oblige the Government of Britain to a strict prohibition of the bringing any English wool into Scotland after the Union, lest the same should be exported, which, after its being in Scotland, could not be so distinguished as to be prevented; and that this prohibition would rob Scotland of all that advantage which it is proposed she shall enjoy after the Union, by her people being employed in the manufacturing of English wool.

Again,

Again, That this would destroy all freedom of commerce and communication of trade between the kingdoms, that all vessels to and from Scotland must be visited and searched equally with strangers, and the face of an Union be ruffled with continued jealousies of, and watchings against clandestine trade.

Lastly, That it was inconsistent with the public good of Scotland in its proportion, as much as of England, and that it would effectually destroy the hopes of Scotland's increasing in manufactures, and encouraging her trade by the employment of her poor.

As to the consumption, it was urged, that England was always a market for wool, where it might be sold without fail, at some price or other; and if the price was low just then, that was but a common calamity, the effect of the long war with France and Spain, in which they had still a share with their neighbours, but that the wool of Scotland would always sell as well as the wool of England, in proportion to its fineness; and this led of course to the first proposal, That what encouragement was possible to be given to the wool masters by the treaty, should be given them on the conditions of setting the poor to work in their respective countries, which, in that case, would have this double advantage, 1. The employment and subsistence of the poor; and, 2. The consumption of the wool at home, which directly took off the pretended necessity of exporting it to other countries, for want of a vent of it at home, or their sending it to England to be sold, as they called it, for little or nothing. How well this money was paid after the Union, or when paid, how well applied to the common good of Scotland, is none of my business here to inquire.

I have been the longer in stating this case, because it has been often objected to the Scots members of Parliament, that they were too forward to comply with the prohibition of wool, and that their country lost a great advantage by it.

There was a pretended expedient then offered, about the manner of disposing the equivalent to such persons, as had such or such certain quantities of tarr'd wool; but the reasonableness of the above proposal prevailed against any other, and therefore it needs not be inquired into.

M I N U T E XXXVIII.

Monday, December 16, 1706.

Prayers said.

Rolls called.

Addreſs of barons, freeholders, and others, within the ſhire of Berwick, ſubſcribers of the ſame ; againſt an Union with England, in the terms of the articles, given in and read.

A ſcurrilous print, aſſerting the dependency of the crown and kingdom of Scotland upon the crown and kingdom of England, brought in, and ſeveral paragraphs thereof being read,

Ordered, That the ſaid ſcurrilous print be burnt by the hands of the common hangman, at the Mercat Croſs of Edinburgh to-morrow, betwixt eleven and twelve of the clock, and the magiſtrates of Edinburgh appointed to ſee the ſame punctually done.

An eighth report from the Committee, to whom the ſixth article of Union was remitted, brought in and read in theſe terms, viz. “ The Committee of
 “ Parliament, to whom the ſixth article of the treaty was remitted, having
 “ conſidered the remit to them, with the books of rates both for Scotland and
 “ England, and the ſeveral acts of Parliament relating thereto, the ſchemes
 “ or abſtracts from the Cuſtom-houſe books, given in to them from the Council
 “ of Trade, and the report thereanet of their Sub-committee, who, on a report
 “ from them, had compared the cuſtoms and duties on export and import
 “ ſettled in England, with theſe ſettled in Scotland, and had calculated the
 “ duties payable in Scotland upon tar, tobacco, iron, dails, ſingle and double
 “ trees, lint and lintfeed, and compared the ſame with the duties payable upon
 “ the ſame goods in England, at a medium of the three years, whereof they
 “ had the ſaid abſtracts from the Cuſtom-houſe books : they find, that as to the
 “ cuſtoms and duties on export and import in general, the cuſtoms in Scot-
 “ land belong to the Crown, and are perpetual, whereas thoſe in England ter-
 “ minate at a certain number of years, viz. about two fifteen parts thereof,
 “ at 8th March, 1709 years ; nine fifteen parts thereof at 1ſt Auguſt 1710 ;
 “ about three fifteen parts thereof continue only during Her Majeſties life ;
 “ and about one fifteen part thereof for ninety-five years ; and that the duties
 “ upon exportation, which were granted 12^o Car. 2. Cap. 4. are eaſie, have
 “ never been augmented, ſave upon a very few particulars, and terminate
 “ the firſt of Auguſt 1710 ; that theſe goods which contribute to luxury, and
 “ thoſe that are manufactured, or can be had within the iſland, are thoſe that
 “ pay high duties when imported ; but that the whole, or moſt of the cuſtoms
 “ and duties paid at importation, are drawn back upon exportation, if ex-
 “ ported within a certain time, except a moiety of old ſubſidy which is very
 “ ſmall,

“ small, and which is imposed by the foresaid act 12^o Car. 2. Cap. 4. and
 “ terminates the first of August 1710: that the duties upon the before-men-
 “ tioned goods, at the above medium, payable in Scotland, by the nearest
 “ calculation can be made, amounts to 253184l. 15sh. 7d. and now payable
 “ in England to 413559l. 8sh. 4d. and payable in England after 1710 to
 “ 129640l. 9sh. 8d. Scots, and the duties upon our linen cloath and cattel
 “ imported into England, by the above medium, amounts to 272629l. 3sh. 10d.
 “ money foresaid: so that it is the opinion of the Committee, the duties after
 “ 1710 will be much easier than now they are, and even as they stand now
 “ payable in England, considering the duties that are upon Scots goods im-
 “ ported into England, and taken off by the treaty, the customs of Scotland,
 “ taken together, even before the first of August 1710, will be easier than now
 “ they are.”

And after some reasoning thereon, a state of a vote was offered, “ Approve
 “ of the sixth article of Union, as explained and enlarged, or not.”

But it being moved, That the vote could not be stated in these terms, in
 respect what concerned the African Company fell under the said sixth article,
 which was to be considered;

Whereupon it was agreed, That what concerns the African Company shall
 be intire, and be taken into consideration under the fifteenth article, and
 that the approving of the sixth article shall not be prejudicial thereto.

And the above state for a vote being again proposed, after some debate it
 was moved, “ That the said article should be farther amended;” and there-
 upon a second state of a vote was offered in these terms, “ Approve or amend.”

Whereupon the said sixth article, with the several additions, enlargements,
 and explanations after mentioned, contained in several former minutes, viz. The
 word “ drawback,” to be insert in both clauses of the said article. Item, “ And
 “ being by the laws of England, notwithstanding there are rewards granted
 “ upon exportation of certain kinds of grain, wherein oats grinded or ungrinded
 “ are not specified, that from and after the Union, when oats shall be at fifteen
 “ shillings sterling per quarter, or under, there shall be paid two shillings and
 “ sixpence sterling for every quarter of the oatmeal exported in the terms of
 “ the law, whereby, and so long as rewards are granted for exportation of
 “ other grains, and that the bear of Scotland have the same rewards as barley.”
 Item, “ And in respect the importation of victual into Scotland from any part
 “ beyond sea, would prove a discouragement to tillage; therefore, that the
 “ prohibitions, as now in force by the law of Scotland, against importation of
 “ victual from Ireland, or any other place beyond sea, into Scotland, do, af-
 “ ter the Union, remain in the same force as now it is, until more proper and
 “ effectual ways be provided by the Parliament of Great Britain, for discour-

“raging the importation of the said victual from beyond sea.” Item, “Excepting and reserving the duties upon export and import of such particular commodities, from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which, after the Union, are to remain safe and entire to them in all respects as before the same.” Item, “That from and after the Union, no Scots cattel carried into England, shall be liable to any other duties, either on the public or private accounts, than these duties, to which the cattel of England are, or shall be liable within the said kingdom :” being all read over, it was put to the vote, “whether the first or second should be the state of the vote,” and it carried, “First.”

Then the vote was put, “Approve of the said sixth article enlarged and explained, or not ;” and it carried, “Approve.”

Draught of an act for additional premiums on exportation of victual, to commence the first of February and to end the last of April, both next to come, again read, and a first reading ordered to be marked thereon.

The eighth article of Union read, and the first clause or paragraph thereof was also again read.

Whereupon a report brought in from the Committee, to whom the said eighth article is remitted, was read in these terms :

“The Committee, to whom the eighth article of Union anent duties upon salt was remitted, are of opinion, that after the first clause of the said article, an explanation in the terms following will be necessary :

“But, in regard the duties of great quantities of foreign salt imported may be very heavy upon the merchants importers ; that therefore all foreign salt imported shall be cellared and locked up under the custody of the merchant importer, and officers employed for levying the duties upon salt ; and that the merchant may have what quantities thereof his occasion may require, not under a wey, or fourty bushel at a time, giving security for the duty of what quantity he receives, payable in six months.”

And after some reasoning thereon, the farther consideration of the said eighth article and report was delayed till the next *sederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXXVIII.

The long report of the Committee on this point of the customs is very distinct, but may require some explanation, and in order to that, it is necessary to enter into the short history of the reason of this calculation.

Two great complaints ran through the whole nation upon the subject of taxes and trade ; 1. That the English clogged the trade of Scotland with
into-

intolerable burdens; and, 2. That they raised their customs, and would gain great sums of money from Scotland by doing so; for the Scots had no notion of the equivalent, nor would they for a long time after this entertain any notion of it.

In order to clear up the objections of the people against the customs, the particular heads were referred to this Committee to examine.

The first were the duties on import, which the Committee observed very well, in England is always laid highest on such goods as contribute to luxury, or are manufactured within the island, the first esteemed less necessary, such as wine, brandy, foreign linen, fruit, drugs, East India goods, coffee, tea, sugars, tobacco, deals, timber, &c. Things we might live without, or might supply in part at home; or being willing to have, and being generally used by the richer sort of people, the payments are less felt. The second, For the encouragement of our own poor, who ought upon all occasions to be employed; and if any thing which comes from abroad can be made at home, that home-part ought to be encouraged, by laying high duties and imposts, or, perhaps, prohibitions on the like from abroad, such are the prohibitions of, or high duties on, wrought silks, woollen manufactures, bone lace, Brasil sugar, wrought iron, hats, glass, printed calicoes, pantiles, earthen ware, &c.

It was now objected in Scotland, that the customs there would be very grievous; that the English duties on tar, tobacco, iron, deals and timber, lint and linseed, would be intolerable to the poor, and raise the customs of Scotland to a very great height.

The Committee examined the proportion of things, and setting the whole upon an equality, produced a very well grounded conclusion, That the customs of Scotland would be less to be paid after the Union than before; and it gave great satisfaction at that time, to those people who were capable of receiving impressions from just calculations, when the calculations of this Committee really stated the balance of trade, for that was easy to draw out of these calculations: it had been offered in the Parliament, (with how little foundation, or how much assurance, I shall not determine,) 1. That Scotland got nothing by the English trade. 2. That Scotland was a considerable gainer by the French trade.

I shall not censure the people that offered this, as aiming at a French union, not an English; for they did not stick to own that; but it is not to the purpose here; I shall only consider the state of the trade of either kingdom, as it stood at this time, and as it was stated to the Parliament.

The trade to France stood thus:

<i>Exported to France from Scotland,</i>	<i>Imported from France to Scotland,</i>
Wool, leather, lead, and fish.	Wine, brandy, wrought glass, hats,
	glass, cork, resin, fruit, and so, &c.

The

The several quantities of these, however uncertain, as the trade increased or decreased, had nevertheless this general proportion, That the wine and brandy imported into Scotland did over and above balance all the export out of Scotland to France by above one half part; the consequence of which was, that the French trade must draw away ready money from Scotland for the other half, besides all the other imports from thence, over and above this consideration, That all the import from France was mere luxury and unnecessary consumption.

As to the state of the trade between Scotland and England, it stood thus:

<i>Imports to Scotland from England:</i>	<i>Exports to England from Scotland:</i>
House furniture, coaches, horses, &c. by the gentry, which might be estimated at 10,000 l. per annum.	In the year as per contra.
Tobacco in one year from November 1699, to November 1700, 1,319,356 lb. amounts to about 22,000 l. sterling per annum.	Linen cloth 1,346,174 ells.
Sugars and grocery not in very great quantities, being supplied chiefly from Holland, perhaps in the whole 10,000 lb. per annum.	Cattle of all sorts 57,078.
All the English woollen manufacture prohibited.	Linen yarn, stockings, singrams, and sterling ferges, quantity uncertain.

Note. The tobaccos and sugars after the Union may, and 'tis not questioned, will be imported into Scotland from the British plantations, in return for the growth and produce of their own country; so that the whole trade to England, after the Union, would turn to the interest and advantage of Scotland.

Nor can I omit to add the experiment of this, to prove, that these calculations were not suppositions and remote, since in the very first year after the Union these consequences in trade visibly appeared, and which of my own certain knowledge I can take the freedom to advance.

1. That on the falling of the English duty on Scots linen, the demand for it was so great in the English markets, that it not only swept all the linen away, so that two months before the usual time the whole quantity was gone, and the English merchants could get no linen for money; but the whole manufacture of linen advanced at least two pence an ell upon the finer Scots linen, and one penny per ell on the coarser sorts, which was a great sum in the whole.

2. In

2. In the very first year after the Union, Scotland shipped away for England, besides several ships loaden for Portugal and other foreign parts, above 140,000 boll of corn, above 40,000 boll of which was carried out of the two small counties of Merks or Berwickshire and Tiviotdale, 20,000 boll and more out of the single county of Fife, and the rest from the shires adjoining to the Firth, and some parts from the North.

3. In the first year after the Union the Scots fitted out several ships, I think seven or eight, to the English plantations, freighted with their own produce, the return of which being in tobacco or sugars, &c. have this advantage to Scotland, That first, the said tobacco and sugars supply their own consumption, and keep that money at home which used to go to England and Holland to purchase their supply. And secondly, The overplus which they cannot expend they export to Holland and Ireland, which returns to the advantage of the public stock.

4. In the very first year after the Union Scotland had three or four ships returned home from Italy and Portugal, bringing home wines from Leghorn and Galitia; these being the return of fish from Scotland, could now return with their freights to their own country, where before, by reason of the French wines, they could have no consumption, but were obliged to load to other ports, and come home empty.

If any man pleases to calculate these things, and see the advantages of these foreign trades, and particularly of the English, and the return of money that must, by consequence, be made to Scotland annually by such a trade; and again, how little of any kind of goods Scotland takes from England in the room of it, except what they took from Holland before: the supposition of the comparison between the English trade and the French trade, as to an advantage to Scotland, must fall to the ground, and the true state of the balance must have been something like, if not exactly thus:

That, in an open trade with France, Scotland must have paid to France 100,000*l.* sterling per annum in specie, or their balance of trade would have been against Scotland 100,000*l.* per annum at least.

That, in the trade with England, Scotland will receive from England at least 200,000*l.* per annum in specie, or the balance of trade will run on the side of Scotland 200,000*l.* per annum.

And yet this is no loss to England either, since the island being now made but one kingdom, this wealth, while it goes but to Scotland, circulates in her own bounds, and, speaking of Britain, is all contained and preserved within herself.

M I N U T E XXXIX.

Tuesday, December 17, 1706.

Prayers said.

Rolls called.

The first clause or paragraph of the eighth article of Union again read, with the report of the Committee in relation thereto, for explanation of the same, insert in the former day's minutes.

And after reasoning thereupon, the vote was stated, " Approve of the said first paragraph, with the report of the Committee for explanation of the same, yea or not."

And before voting, the said paragraph, and report of the Committee for explanation of the same, were again read.

Then the vote was put, " Approve or not," and it carried, " Approve."

Then that clause of the said eighth article of Union, anent the salting of flesh for exportation, or victualling of ships, read; as also a report of the Committee relative thereto, for altering the same, which, after some reasoning, was amended, and again read in these terms: " And for establishing an equality in trade, that all fleshes exported from Scotland to England, and put on board in Scotland to be exported to parts beyond the seas, and provisions for ships in Scotland, and for foreign voyages, may be salted with Scots salt, paying the same duty for what salt is so employed, as the like quantity of such salt pays in England, and under the same penalties, forfeitures, and provisions, for preventing of frauds, mentioned in the English laws."

And after farther reasoning thereon, it was put to the vote, " Approve of the report as amended or not;" and it carried, " Approve."

Then the following clause of the said eighth article of Union, in relation to the continuing in force the laws and acts of Parliament in Scotland for pinning, curing, and packing of herrings, white fish, and salmond, for exportation, with foreign salt only, and for preventing of frauds in curing and packing of fish, was read; as also a report brought in from the Committee for adding a clause thereto in these terms: " But in respect it appears from the books of the royal fishery company, confirmed by practice, that the quantity of $102\frac{1}{10}$ of pound weight Aver de Pois of foreign salt, which pays eight shillings and four pence of duty, is necessary for the right curing and packing a barrel of white herrings; therefore there shall be allowed and paid, during the present allowances

“allowances for other fishes, for every barrel of white herrings which shall be exported, ten shillings sterling.”

Thereafter a petition of the salt owners, fishers of herring and white fish, and others who make use of Scots salt, was given in, craving, that such amendments might be made to the said eighth article of Union, as would put them in an equal footing with their neighbours in England, with regard to their salt, and also the freedom of making salt upon salt.

Which being read, after some debate thereon, and upon the above last infer report of the Committee, the farther consideration was delayed till the next *sedesunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXXIX.

The report of the Committee on the first paragraph of the eighth article is printed in the precedent minute relating to the payment of salt. The payment of equal duties on foreign salt was not objected, but it was argued, that the Scots merchants being poor, and being nevertheless obliged to import large quantities of foreign salt at the proper times, which must lye by till the season for using the same; and the duties being now very large which were to be paid, they might not be able either to advance the money, or find sufficient security for the duties, as the law in that case provided. And therefore this amendment was made for the ease of the merchant, which was both reasonable to the government, and easy to the merchant, and took off all pretence of quarrel upon the disburse of money, or lying out of stock.

The second report upon the eighth article was founded upon equal reasoning. It had been agreed in England in the said eighth article, That all flesh salted in Scotland and carried to England, or flesh salted in Scotland for victualling ships, or exportation, should be forfeited, if cured with Scots salt: but this was counted a hardship on several accounts, and England being allowed to cure all sorts of flesh with their own, whether for their own consumption, victualling of ships, or exportation, it ought to be also allowed to Scotland, by virtue of the subjects enjoying equal allowances and restrictions—Article VI. Wherefore the Committee made this amendment, That the Scots might cure flesh with their own salt, provided all flesh so cured, that was either sent for England, or used in victualling ships, or exported for sale, should be charged with the duty on salt paid in England.

The third Report upon the eighth article concerned the laws in force in Scotland for curing and packing of herring, white fish, and salmon, which, by this article, were reserved. These laws were the 5th act, 3d session, 1st

Parliament, King William and Queen Mary, appointing “all herrings and
“salmon for export be made, pined and cured with French bay, or Spanish
“salt, or with salt upon salt made of foreign salt.” The 24th act 7th session
of the same Parliament, “confirming the same, and directing the proof of
“it,” with a confirmation of the 34th act of 2d session of the same Parlia-
ment, for drawbacks on herrings and salmon exported.

But upon this new treaty, respecting the English duty on salt, it was cal-
culated, as you see in the minute, that the salt commonly used in curing a
barrel of herrings amounted to about nine shillings per barrel; and in regard
of wasting of the salt, loss in carrying, &c. they resolved to put it at ten
shillings per barrel, which fully answered the petition of the fish and salt
merchants mentioned in the same minute.

MINUTE XL.

Wednesday, December 18, 1706.

Prayers said.

Rolls called.

Address of the town and parochin of Lawder and Chainhillkirk, subscribing the
same; and address of heretors, liferenters, elders, parochioners and remanent
indwellers, in the paroch of Calder, subscribers of the same; both against an
union with England in the terms of the articles, given in and read.

Thereafter another report brought in from the Committee, to whom the eighth
article of Union is remitted, was read in these terms, “That white herrings,
“red herring, salmon, dry or barrelled cod, and all fishes cured or packed in
“order to exportation, ought to be cured and packed with foreign salt allen-
“nary, and that it does require four bolls of foreign salt to cure and pack a
“last of white herrings.”

And after much debate thereupon, a motion was made for amending that
clause of the said eighth article of Union mentioned in the former day’s mi-
nutes, in relation to the continuing in force the laws and acts of Parliament in
Scotland “for pining, curing, and packing of herrings, white fish and salmon
“for exportation, with foreign salt only,” by adding these words thereto,
“without any mixture of British or Irish salt.”

And the addition being accordingly made, the clause as so amended was read
over.

And after some farther debate, the vote was put, “Approve the said clause
“as amended, yea or not,” and it carried “Approve.”

Thereafter it was proposed, that the Parliament should proceed to consider the
drawbacks,

And

And it was also proposed, that the Parliament should proceed to consider how far allowance should be given for importation of foreign salt, in order to the making salt upon salt; the farther consideration whereof was delayed till the next *sederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XL.

The report of the Committee last day was now only considered, with relation to the main part of the question, Whether their fish should be cured with foreign salt only, or not; and it was agreed it should be so.

It was counted a very great hardship, that the fish cured in Scotland should not be cured but with foreign salt; some people alledging, that the salt made in Scotland would cure the herring as well as foreign salt. But it had been found by experience, that the fish cured with Scots salt, did not keep, nor was it equal in goodness when it came to market, which added to the disputes which would arise in the article of the drawbacks, now coming on to be debated, made the Parliament positive in that part, viz. that all fish cured for exportation should be cured with foreign salt, without any mixture of British salt.

In giving drawbacks and allowances for the exportation of fish, on account of the salt, it had here been impossible to come to an equality, since no officer could have been sure which had been cured with British salt, and which with foreign salt, and which with a mixture of either.

It was then alledged, that the Dutch importing their salt from St. Ubes, re-make the salt, boiling it again when they come to Holland, which they call salt upon salt, and that their herrings are cured with the said salt, which being of a finer and subtler quality than the other salt, is of advantage to their said trade; and that the afore said encouragement should be given to the Scots to do the same. But this came to nothing.

MINUTE XLI.

Thursday, December 19, 1706.

Prayers said.

Rolls called.

Thereafter the last clause of the eighth article of Union, in relation to the allowing of premiums and drawbacks, was read; as also a report brought in from the Committee, to whom the said eighth article was remitted, insert in the

minutes of the 17th instant, Number 39, in these terms: “ Put in respect it
 “ appears from the books of the Royal Fishery Company confirmed by prac-
 “ tice, that the quantity of $102\frac{1}{2}\frac{8}{10}\frac{3}{10}$ of pound weight Aver de Pois of foreign
 “ salt, which pays eight shillings and four pence of duty, is necessary for the
 “ right curing and packing a barrel of white herrings; therefore there shall be
 “ paid, during the present allowances for other fishes, for every barrel of white
 “ herrings which shall be exported, ten shillings sterling.”

And another Report brought in from the said Committee was also read, in these terms: “ That sixteen shillings and eight pence upon every barrel of salmon, six shillings and eight pence upon every barrel of red herrings, that
 “ two pound ten shillings upon every hundred cod-fish, ling, or haick, of
 “ twenty-four inches and upwards, from the bone in the fin to the third joint of
 “ the tail; one pound fifteen shillings sterling for every such fish of the length
 “ of eighteen inches and upwards, and under twenty-four inches, and one
 “ moiety of the foresaid allowance for every such fish dried, commonly called
 “ Haverdens, of the like dimensions, (being the drawbacks allowed by the
 “ English laws upon the exportation of these fishes) are sufficient encouragements.”

And after reasoning on the above several reports, it being moved a higher drawback should be allowed upon the exportation of white herrings,

After some debate thereon, the said last clause of the eighth article of Union was agreed to, with this addition, “ That there shall be allowed and paid to the
 “ subjects, inhabitants of Great Britain, during the present allowances for other
 “ fishes, for every barrel of white herrings which shall be exported from Scotland, ten shillings and five pence sterling.”

Thereafter another report brought in from the said Committee, was likewise read, in these terms: “ That there ought to be no drawback upon the exportation of salted beef and pork;” and after debate thereupon, the farther consideration thereof was delayed till the next *sederunt* of Parliament.

Adjourned till to-morrow ten o'clock.

OBSERVATION XLI.

The difficulty now lay about settling the drawbacks upon the exportation of fish; and the rule the Committee had gone upon seemed the readiest way to determine it, viz. They laid the English drawbacks before them, and examined then the quantity of salt used in curing every respective kind of fish, and then comparing the whole, tried whether the drawback allowed was adequate and proportioned to the duty paid upon the quantity of salt used in the curing.

Now

Now though this was exactly calculated and presented to the House, yet several motions and speeches were made for a larger drawback; some alleged the necessity of encouraging the fishery in Scotland, and that therefore the Government ought to make larger allowances: but when they saw that whatever the allowance should be which they should obtain, the English would obtain the same, they dropt that part of the argument.

The herrings, indeed, they had longer debates about; and after some reasonings upon the waste of the salt, the carriage, and other pretences, they obtained the allowance of ten shillings and five pence to be paid to the exporter, for every barrel of herrings cured with foreign salt and exported, which was five pence per barrel more than the Committee had at first determined.

MINUTE XLII.

Friday, December 20, 1706.

Prayers said.

Rolls called.

Then the debate mentioned in the minutes of the last *sederunt*, in relation to the allowing of drawbacks upon the exportation of beef and pork, was resumed; and after some farther debate thereupon, the vote was stated, "Approve of the report of the Committee," or "Alter."

And before voting it was agreed, that the members votes shall be marked, and that the list of their names as they shall vote shall be printed and recorded.

Then the vote was put, "Approve or alter," and it carried, "Alter."

Thereafter moved, That the Parliament now proceed to the consideration of what drawbacks shall be allowed upon the exportation of beef and pork.

Moved also, That the consideration thereof be delayed till the next *sederunt* of Parliament. And after some reasoning,

Agreed, That the consideration of what drawbacks shall be allowed upon the exportation of beef and pork be delayed till next *sederunt* of Parliament.

OBSERVATION XLII.

The drawbacks proposed upon beef and pork to be exported were now the subject of debate; it had been examined in the Committee, and they finding

finding that, 1. The English had no allowance made them on beef and pork cured for exportation; and, 2. That the quantity of beef and pork so salted and exported out of England, or out of Scotland, was very considerable, had reported, “That there ought to be no drawbacks upon the exportation of salted beef and pork,” as in the minute of December 19.

But when this came to be debated in the Parliament, it was all unravelled again: some gentlemen would have it, that Scotland was able to export great quantities of beef, salted and cured, to foreign parts; nay, some had before carried it farther, and in their arguing for a trade with France, had advanced what had never before been heard of, viz. That Scotland should supply France with beef, as they have formerly been supplied from Ireland, and proposed infinite advantages from such a trade.

But these gentlemen were soon silenced, when it was examined a little upon what conditions, and in what quantities Ireland was able to supply, and did supply, not France and our island colonies only, but were able to supply all the parts of the world, where beef was generally exported: that at that time beef in any quantity was to be bought ready cured in Ireland, including the salt and the cask it was packed in, at a halfpenny sterling per pound, and that England was so convinced of this, that they could export no flesh, but sent their ships generally to Ireland to load beef for their islands, and that France, upon all occasions, got their beef, if possible, from Ireland, for the victualling their navies and merchant ships. Again, that the cattle in Ireland were larger and fatter than in Scotland, and their quantity so great, that England was obliged to prohibit their being brought over thither, otherwise they would over-run the three kingdoms with the quantity; and that Scotland having less quantity of feeding grounds, and their cattle being generally less, it was not possible that they could supply the quantity of beef, or any thing near the price with the Irish; and that therefore it could not be supposed the exportation of beef from Scotland could be considerable any more than from England: and on this foot it was that the Committee made their report, that it was not needful to allow any drawback upon the exportation of beef, England at the same time having no allowances granted in the same case.

But a new objection turned the scale. It was offered by some, that in the north east parts of Scotland, viz. at Aberdeen and the country adjacent, there was a new and very advantageous trade, lately erected for feeding swine, which being made fat with corn in great quantities, (and that being a consumption of the produce of the land) the flesh was cured and salted, barrelled and exported to Holland for sale: and that this was a trade which ought to be encouraged. It was added, that this, as it was an
vantageous

advantageous trade to Scotland, so it was a growing trade, and might in time increase to a very great degree, the Dutch demanding every year more quantities than the country had been yet able to supply; that there had been several years exported from 1500 to 2000 barrels of salted pork from Scotland to Holland, the Dutch using the same for victualling their East-India ships, and other ships that went upon long voyages.

This had some appearance of argument in it, and being pushed very heartily at, in behalf of the Aberdeen merchants, brought the Parliament to alter the report, and agree to an allowance upon the exportation of pork, and afterwards of beef and pork, the beef being brought in by the by.

It had been said, as above remarked, that the Irish beef was exported cheaper than Scotland could afford it; it was therefore argued, that Scotland ought to have the drawback allowed on their beef, to encourage the exportation, and if possible, to set them upon an equal foot with Ireland, in the trade of exporting beef, which, though it was proved, was not probable; yet as the affirmative carried some possibility, and the negative seemed to be of no great consequence, the members came into it, and they passed together.

M I N U T E XLIII.

Monday, December 23, 1706.

Prayers said.

Rolls called.

Then the Parliament proceeded to the consideration of what drawbacks shall be allowed upon the exportation of beef and pork-

And after some debate thereon, a clause was offered in relation thereto, in these terms; "And that there shall be allowed four shillings seven pence half penny sterling for every barrel of beef or pork, salted with foreign salt, and exported for sale, alterable by the Parliament of Great Britain." And after farther reasoning,

Agreed, that the drawbacks shall be five shillings sterling for every barrel of beef or pork; and the clause was accordingly so amended and read.

Thereafter it was proposed, that the said drawback shall not be alterable by the Parliament of Great Britain, during the continuance of the duty upon salt in England.

And after some debate there were two states of a vote offered, the first in these terms, "Approve of the above clause, viz. And that there shall be allowed five shillings sterling for every barrel of beef or pork salted with foreign salt, and exported for sale, alterable by the Parliament of Great Britain, yea or not:" And the second state in these terms, "Continue the
" premium

“ premium of five shillings upon the barrel of beef and pork, till the same be altered by the Parliament of Great Britain, or during the imposition on salt.”

And after some reasoning, which of the two should be the state of the vote, first or second, it was put to the vote, “ First or second.”

And before voting it was agreed, that the member’s votes shall be marked, and that the list of their names as they shall vote, shall be printed and recorded.

Then the vote was put, “ First or second,” and it carried, “ First.”

Thereafter it was put to the vote, “ Approve the clause or not;” and it carried, “ Approve.”

Thereafter the clauses of the eighth article of Union in relation to Scots salt, were read, and the first clause or paragraph thereof again read; and after some reasoning thereon, it was moved, “ That the exemption from the duty of Scots salt, provided by the said clause to be for seven years, shall be perpetual;” and after some farther debate, the consideration thereof was delayed till next *sederunt* of Parliament, to be then resumed previous to all other business.

Adjourned till to-morrow at ten o’clock.

OBSERVATION XLIII.

The debates about the drawbacks on beef and pork ended now in a short question; whether it should be four shillings seven pence per barrel, or five shillings: and the difference being of no great consequence, the same arguments that carried it before to have any drawback at all, carried it now to have that drawback settled at the largest rate of the two, so that affair ended.

Then the House proceeded to the grand affair, the exemptions from the salt tax in England. Great quarrels were raised at the concessions made by the treaters in this case, who had exempted Scotland from the duties on salt payable in England for seven years only; whereas it was alledged, that the salt tax was a burden intolerable for Scotland, and that they would no more be able to bear that duty in seven years, than now; and that therefore they ought not to have subjected Scotland to it at all; that it had been allowed, the salt tax was a burden chiefly laid upon the poor, the poor people in Scotland feeding much upon salt meats, and using great quantities of salt: that to lay a tax on their salt, was to assist in starving them, and the like. This was an argument so pleasing, and so much improved without doors, that it made the opposers of the Union grow popular, and seem as if they were but mere advocates for the poor; that they were now really defending their country, which the Commissioners had abandoned, and shewed, that the concern for the burdening Scotland with unreasonable ex-

actions had not been part of their business. Great hopes therefore were conceived from this debate by some people, who had the destruction of the treaty chiefly in their eyes; for, as the struggle had not been small in England to obtain an exemption from the salt tax to Scotland for seven years, it was more than probable, that if a perpetual exemption was insisted on, the English Parliament would refuse it, and so the Union might split upon that rock; which being so specious, and seeming to be all done in mere concern for the poor of Scotland, would therefore engage all the people of Scotland in defence of it; but this cloud vanished afterwards, though at first it looked black enough.

M I N U T E XLIV.

Tuesday, December 24, 1706.

Prayers said.

Rolls called.

Address of gentlemen and heretors of the parochins of Mayboll, Kirk-michael, Girvan, Kirkoswald, and Barr, and of the magistrates and town council of Mayboll, and other inhabitants of the said parochins within the jurisdiction of Carrick, subscribers of the same; against an Union with England in the terms of the articles, given in and read.

Thereafter these clauses of the eighth article of Union, in relation to Scots salt, were again read.

And after some reasoning thereon, a clause was given in to be added thereto, in these terms; “ And with proportional drawbacks and allowances as in England, with this exception, that Scotland, after the said seven years, shall remain exempted from the duty of two shillings and four pence a bushel on home salt, imposed by an act made in England in the ninth and tenth of King William the Third of England; and if the Parliament of Great Britain shall, at or before the expiring of the said seven years, substitute any other fund in the place of the said two shillings and four pence of excise on the bushel of home salt, Scotland shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of the treaty.”

And after farther reasoning on the said clause, another clause was given in in these terms: “ But Scotland shall, in all time after the Union, be exempted from paying of all duty or tax on salt made in Scotland, in so far allennarly, as the said salt shall be made use of within that part of Great Britain now called Scotland; but all salt made in Scotland, from and after the Union, that shall be exported to that part of Great Britain now called England, or to any other nation in specie, or that shall be employed in salting of fish or flesh to be exported, or for victualling of ships to go to England, or any

“ other nation, shall be lyable to the same duties as shall be then payable for
 “ salt made in England, to be levyed and secured in the same manner, and
 “ with the like drawbacks and allowances as in England; and that, after the
 “ Union, no salt whatsoever be brought from Scotland to England by land,
 “ in any manner, under the penalty of .”

And after farther debate on the said two clauses, the vote was stated, “ Ap-
 “ prove of the first clause or second.”

But before voting, it was agreed, that the members votes shall be marked,
 and that the list of their names, as they shall vote, be printed and recorded.

And the Duke of Athole gave in the following protest; “ Whereas salt is
 “ the most useful and necessary ingredient in all sorts of victuals, any duties
 “ or excise on the same may prove a most grievous and insupportable burden,
 “ especially on the commons; I do therefore protest for myself, and in name
 “ of all who shall adhere, that the people of this kingdom now called Scot-
 “ land, shall be free for ever of any duties and excises on the salt made within
 “ this kingdom.”

Which being read, he took instruments thereupon.

Then the vote was put, “ Approve of the first clause or the second,” and it car-
 ried, “ First.” And at calling of the rolls, the Duke of Hamilton, the Marquis
 of Annandale, the Earl of Errol, the Earl of Marischal, the Earl of Caithness,
 the Earl of Wigtoun, the Earl of Galloway, the Earl of Selkirk, the Viscount
 of Stormount, the Viscount of Kilsyth, the Lord Saltoun, the Lord Oliphant,
 the Lord Balmerino, the Lord Blantyre, the Lord Bargany, the Lord Beil-
 haven, the Lord Colvil, the Lord Kinnaird; George Lockhart, of Carnwath;
 Andrew Fletcher, of Saltoun; Sir Robert Sinclair, of Longformacus; John
 Sinclair, younger, of Stevenson; Mr. Alexander Ferguson, of Isle; John Brif-
 bane, younger, of Bishoptoun; Mr. William Cochran, of Kilmaronock; James
 Grahame, of Bucklyvie; Robert Rollo, of Powhouse; Sir Patrick Murray,
 of Auchtertyre; John Murray of Strowan; Mr. Thomas Hope, of Rankeilor;
 Mr. Patrick Lyon, of Auchterhouse; Mr. James Carnagie, of Phinhaven, Da-
 vid Grahame, younger, of Fintrie; James Ogivie, younger, of Boyn; Alex-
 ander Mackgie, of Palgown; Mr. George Mackenzie, of Inchcoulter; Alex-
 ander Robertson, Alexander Watson, Alexander Edgar, John Black, Francis
 Molison, Robert Scot, Robert Kellie, Archibald Shiells, Mr. John Lyon,
 Sir David Cuninghame, George Home, and Mr. Robert Frazer, adhered to
 the Duke of Athole’s protest.

Thereafter it was moved, “ To read over the said eighth article of Union,
 “ with the several additions and alterations, in order to the approving thereof.”

But it being moved, “ That the said article, with the additions and altera-
 “ tions, should be first transcribed,” the same was delayed till the next *sederunt*
 of Parliament.

Adjourned till Thursday next at ten o’clock.

OBSERVATION XLIV.

The debate of the last day being renewed, occasioned some warmth in the House, and great arguings there were about the poor in Scotland being unable to pay the tax upon salt at all, and that therefore they ought not to be left to the mercy of the British Parliament; the matters also of the disproportion in the duties to the value in the respective kingdoms, was also made a strong motive against the duty being laid upon the Scots, as a plain inequality; since, as the duty on salt lay then, being taxed by weight, the Scots should pay sixteen shillings four pence, upon what in their country yielded, exclusive of the duty but three shillings; whereas the English should pay no more on the value of ten shillings six pence, which was a great disparity in the taxation by value. But to this it was answered, if the bulk or quantity of salt was equal, and Scotland having their salt made just where it was expended, had, or could buy as much for three shillings, as the English had or could buy for ten shillings sixpence; the weight of the salt being the same, they were so much the better able to pay sixteen shillings four pence on that quantity of salt in Scotland, by how much it was had cheaper by seven shillings six pence in its first cost, than the English were, who were obliged to pay seven shillings six pence for the same quantity in its first cost, than the Scots paid.

To this again was objected, the poverty of Scotland, and the difference this made in the price of salt to the poor; how necessary the salt was to the subsistence of the poor, and how much it would raise the price, to the general discouragement and impoverishing the labouring part of the people, the English duties being very near one penny per pound sterling upon the salt, most of which duty would lie on those who were least able to bear it; and this, as I noted before, made the argument become popular, and the opposers of the Union began to be counted patriots, who strove merely for the securing their country from unreasonable and insupportable taxes.

It is necessary to note here, in order to let the reader into a true state of this question, what the English duties on salt were, which were thus strenuously argued against: they were in short thus;

Twelve pence per bushel on salt, each bushel to weigh fifty-six pounds averdupois weight, granted by the English Parliament anno 5^o William and Mary, appropriated to the year 1710.

Twenty-eight pence per bushel, weighing as above, granted 9 King William, and appropriated for the payment of annuities redeemable by Parliament.

As may be seen more at large in the Appendix.

The treaters at London had agreed on both hands, to exempt Scotland from the whole tax upon salt for seven years, as appears in the observations on the minutes of the eighth article in that treaty, but had then left it, with a concession, that then Scotland should pay as England should pay at that time; only it was supposed, the British Parliament would consider whether Scotland was any better able to pay then than before, according to that clause added in the fourteenth article, viz. "That it could not be supposed that the Parliament of Great Britain would ever lay any sorts of burdens upon the united kingdom, but what they should find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom."

But it was again alledged, that the words in this eighth article, viz. "But from the expiration of the said seven years, Scotland shall be liable to the same duties for salt made in Scotland, as shall be then payable for salt made in England:" Vide the treaty at London, article VIII. page 199. obliged the Scots to the payment, and put it out of the power of the Parliament of Great Britain to alter it; and that therefore the Parliament of Scotland ought to take effectual care to prevent it, and to secure the people of Scotland against it.

There were a great many speeches made on this subject, and something harsh enough past on both sides, which I care not to relate, for the sake of the gentlemen that shewed themselves a little out of temper here: but at length a medium was proposed in the terms of the first clause of the minute, which exempted Scotland from the two shillings four pence per bushel, mentioned above, and appropriated to the East-India Company, and let the twelve pence per bushel stand, as a thing not of so much consequence:

1. Because the sum was not so considerable as to make it insupportable to the poor.

2. It was not appropriated to any payment farther than to the year 1710, and so might determine in a short time; whereas the two shillings four pence per bushel, was actually settled as a fund for payment of annuities for ninety-nine years, and must certainly fall upon Scotland at the end of seven years.

This seemed a very reasonable proposal; though it did not answer the end of these gentlemen, whose aim, as I hinted before, was at the treaty in general;
for

for it was a moderating between both, bearing a part which they could bear, and yet taking off that part which the poor were said to be pinched by, and which they pretended would effectually have raised a national discontent.

The gentlemen on the other side were a little silenced with this proposal; they at first indeed positively insisted, as in the Duke of Athol's protest, that Scotland should be for ever free, &c. of all duties on salt; but they were subdued by the reasonings of the other gentlemen, upon the equity of the above proposal; and unless, as in general, objecting against the whole treaty, there was no withstanding it. Yet after some debating, there was found an exception to this too; and that was, that though the two shillings four pence was thus provided against, it was but a single term, and the Parliament of Great Britain might set that duty aside, and lay some other tax on in the room of it, which might be the same thing, or worse, and so this exemption might be eluded, and this they called without doors, a design to trepan Scotland, or draw her into the snare of the duty, under the pretence of an exemption.

But this was soon warded against; and the latter part of the clause, effectually stop that gap, viz. "That if the Parliament of Great Britain shall at, or before, the expiring of the said seven years, substitute any other fund in the place of the said two shillings four pence of excise on the bushel of home salt, Scotland shall, after the said seven years, bear a proportion of the said fund, but shall have an equivalent in the terms of the treaty, that is, in the terms of the fourteenth article, which says, that Scotland shall have an equivalent for what the subjects thereof shall be charged towards payment of the debts of England, in all particulars whatsoever." Vide treaty at London, article XV. page 201.

This brought the matter of debate to an end; and there was nothing left but to put the vote. The other party offered a clause of general and absolute exemption, as per the minute: but it was voted not to be the state of the question; so the affair ended with the Duke of Athol's protest, as per the minute.

Yet it must be observed, that this step taken by the Parliament, went a great way to stop the mouths of the people, who began to be strangely alarmed at the apprehensions of the salt duty, which was cried out as insupportable; but their being wholly exempted from it for seven years, and for ever exempt from all but twelve pence per bushel; the burden was both lessened in the main, and remote in prospect, and so the general clamour wore off.

It was indeed a great abatement to that article as stated at London, and some people flattered themselves with the hopes, that it would occasion
some

some debates in the Parliament of England, and perhaps suffer some alterations there, which might occasion the returning the whole to Scotland again; but that view proved fictitious, and the gentlemen found themselves disappointed.

M I N U T E XLV.

Thursday, December 26, 1706.

Prayers said.

Rolls called.

Address of parochioners of Clackmannan, subscribers of the same, against an Union with England in the terms of the articles, given in and read.

Thereafter the eighth article of Union, with the several alterations, additions, and enlargements, was twice read over.

And the vote being stated, “ Approve of the said eighth article as amended “ or not,” it carried, “ Approve.”

Then the second clause of the fifteenth article of Union, beginning with these words, “ And in regard that after the Union Scotland,” and after some reasoning thereon, it was agreed to.

The third clause of the said fifteenth article, beginning with these words, “ And for the farther and more effectual answering,” was also read and agreed to.

The fourth clause beginning with these words, “ And that upon the said account there shall be answered to Scotland,” was likewise read and agreed to.

The fifth clause of the said fifteenth article beginning with these words, “ And whereas from the expiration of seven years,” was also read, and ordered to be delete, being determined by the eighth article.

The sixth clause beginning, “ And generally, that an equivalent shall be answered to Scotland,” was read, and the words, “ or salt,” appointed to be delete; and after some reasoning on the said clause, after deleting these words, the vote was put, “ Approve of the said clause or not,” and it carried, “ Approve.”

Then the seventh clause of the said fifteenth article, beginning thus, “ And as for the uses to which the said sum of three hundred ninety-eight thousand,” was read; as also, the representation of the Council General of the Company of Scotland, trading to Africa and the Indies, and the consideration of both delayed till next *federunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

O B S E R V A T I O N XLV.

The eighth article was now passed without any more debates; the amendments were all read, being put together, and as the House had ordered, transcribed into form, as you will find them in the treaty printed in the Appendix.

And

And now we are come to the great article of the equivalent, which has of itself made more noise in the world than all the other articles, and which, though in itself founded upon the highest justice to Scotland, being the only means to bring the discording circumstances of the nations to unite, and was stated with the greatest exactness, and the nicest and most unexceptionable calculations, that the wit of man could perform; yet it met with the greatest opposition, and was treated with the most contempt in Scotland of any other part of the Union; nay to that degree, that, when the very money itself came to be brought into Scotland, the common people were excited to that height, as to call it the price of their country, and to insult the very people that brought it.

I must therefore be excused if the observations on this point exceed the bounds of that brevity I at first proposed to myself, and that I endeavour to be as particular as possible upon this head.

The first clause of this article had been voted and agreed to, not without a great struggle in the Parliament, on the seventh of the same month of December, as per the observations upon the minutes of that day appears, to which I refer; and the remaining part of the article was adjourned till the reports of the Committee appointed to consider of the sixth and eighth articles were received and considered; which being now ended, the House proceeded to the subsequent articles.

The first clause of the article was the main preliminary to the rest, viz. Whether Scotland should be obliged to come into the appropriated duties of England, and consequently have her revenues appropriated to the payment of the English debts, receiving from England an equivalent. What that equivalent should be, viz. Ready money? How much it should be, viz. Three hundred ninety-eighty thousand eighty-five pounds ten shillings? And whether that sum was rightly calculated? All this was determined as above.

The second clause which came now to be debated was thus: “ And in regard, that, after the Union, Scotland becoming liable to the same customs
“ and duties payable on import and export, and to the same excises on all
“ exciseable liquors as in England, as well upon that account as upon the
“ account of the increase of trade and people, (which will be the happy
“ consequence of the Union) the said revenues will much improve beyond
“ the before-mentioned annual values thereof, of which no present estimate
“ can be made; yet nevertheless, for the reasons aforesaid, there ought to be
“ a proportionable equivalent answered to Scotland.” It is agreed, “ That,
“ after the Union, there shall be an account kept of the said duties arising
in

“ in Scotland, to the end it may appear what ought to be answered to Scotland, as an equivalent for such proportion of the said increase as shall be applicable to the payment of the debts of England.”

This was only to oblige the persons appointed by the government to direct the treasury of Britain, that an exact account might be kept what part of the revenue of Scotland was to be appropriated, and for which the equivalent was to be raised, in order also to come to a certainty in the measures which were to be taken with the remainder : and therefore this needed little debate ; yet it will occasion a farther remark presently.

The third clause runs thus : “ And for the farther and more effectual answering the several ends hereafter mentioned,” it is agreed, “ That from and after the Union, the whole increase of the revenues of customs, and duties on import and export, and excise upon exciseable liquors in Scotland, over and above the annual produce of the said respective duties as above stated, shall go and be applied for the term of seven years to the uses hereafter mentioned.”

This was a general referring also to the particulars to which the overplus of the revenue of Scotland should be applied, and this will also come to be discussed of in its place, being here passed of course.

The fourth clause was, “ And that, upon the said account, there shall be answered to Scotland annually, from the end of seven years after the Union, an equivalent in proportion to such part of the said increase as shall be applicable to the debts of England.”

This clause could admit no debate on the Scots side ; since, as they had agreed, by the first clause, to come into an equality of duties, this was capitulating in behalf of Scotland, that an equivalent should be paid by England for so much of the revenues of Scotland as should be applied to the English debts, over and above what had been already stated in the equivalent named in the former clause.

And here I shall take the freedom to quote what the former gentleman I quoted before gave as his opinion on this very head, I mean Mr. Baron Clark, whose judgement I think I may be allowed to appeal to, and who was a witness to, and present in Parliament at, all these debates. See his essay on the fifteenth article of Union, page 200, in these words :

2. “ That which is most remarkable in this whole article, and particularly to be taken notice of, is this, viz. That, from the commencement of the Union, the whole increase of the revenues of customs and duties on import and export, and excise upon exciseable liquors, over and above the annual produce of the said respective duties, as above stated, shall be applied

“ plied for the term of seven years, to the use and advantage of Scotland; the
 “ meaning whereof is hereby illustrated. .

“ Suppose the customs of Scotland, after the Union, (what upon the ac-
 “ count of a greater trade, or upon the account of taking upon us the English
 “ customs) should increase to 80,000l. sterling, which I believe no trading
 “ man will doubt of, then it is plain, that in regard there is an increase of
 “ these customs of 50,000l. above the present extent, therefore that increase
 “ is by this paragraph allowed to Scotland yearly, for the aforesaid term of
 “ seven years, which will be a greater encouragement to Scotland, and by
 “ consequence an advantage to the whole island; since it is not to be doubted
 “ but such an annual sum of 50,000l. will be employed during that time, to-
 “ wards such ends and uses as will be most for the honour and advantage of
 “ this poor country.

“ Upon this concession of the increase of customs and excises for seven
 “ years it is likewise to be observed, that the sum of 22,874l. that falls at
 “ September 1710 above mentioned, will likewise go for the remainder of
 “ the term of seven years, after the Union, towards the behoof of Scotland,
 “ if so be that the customs and excises that raise that sum are continued, and
 “ nor appropriated for other uses.

3. From the last part of the paragraph it is to be observed, that there shall
 “ be answered to Scotland annually, after the expiration of the foresaid term
 “ of seven years, an equivalent in proportion to such parts of the increase as
 “ shall be applied towards payment of the debts in England. For explaining
 “ of which, it may be observed,

“ Suppose, after the foresaid term of seven years, the customs of Scotland
 “ should rise to 120,000l. yearly, which is an increase of 90,000l. above
 “ what they are now stated at; in that case the said increase of 90,000l.
 “ would be disposed of as follows:

“ Towards the civil government of Britain	-	-	£. 17,007
“ Towards the general expence of the nation	-	-	1,710
“ Towards payment of the debts of Britain	-	-	71,283
			<hr/>
In full of the said			90,000
			<hr/>

“ This last article of the accompt is very remarkable, extending to no less
 “ than a sum of 71,287l. to be applicable towards the debts contracted before
 “ the Union. But this needs not amuse any person; for in the first place it was
 “ supposed, if there be a peace concluded, and so an end put to the present
 “ war, then will the debts of England be in a few years fully paid. The
 “ consequence of which will be, that the customs and excises, which, after

“ the Union, will be payable by the subjects of Great Britain, shall then be
 “ entirely taken off and let fall. In the next place, though the said sum of
 “ 71,287 l. be applicable yearly towards the payment of English debts,
 “ yet there shall be an annual equivalent given by England to the extent of
 “ that sum; which leads us to consider a question, Whether or not that sum
 “ of 71,287 l. will be sent up yearly to England for paying these debts?
 “ I answer, No; for if it should, then, by the nature of the equivalents, that
 “ very sum behoved to be sent back to us again, which is a certain needless
 “ trouble; and lawyers, when they intend to amuse their clients with speak-
 “ ing a sort of Latin, have this in their mouths, applicable enough to this
 “ purpose, *Frustra petitur quod mox est restituendum*.

“ Wherefore any man may see that this sum is not to be sent to England,
 “ but must remain among us.

“ Could it ever have entered into the heads of men, in their right wits,
 “ to burden a poor nation with an annual payment of a great sum for debts
 “ they never contracted, without at the same time allowing a re-imburse-
 “ ment to them? And if so, can we imagine that matters will be so con-
 “ founded, as that they must send yearly great sums out of Scotland to Eng-
 “ land, for no other end than immediately to be returned back again? This
 “ is so ridiculous, that it is scarcely to be spoken of.”

Thus far Mr. Baron Clark; to which I shall add nothing, but that his rea-
 sonings were so plain that they needed no explication.

The fifth clause was thus: “ And whereas, from the expiration of seven
 “ years after the Union, Scotland is to be liable to the same duties for salt made
 “ in Scotland, as shall be then payable for salt made in England. It is agreed,
 “ That when such duties take place there, an equivalent shall be answered
 “ to Scotland for such part thereof as shall be applied towards payment of
 “ the debts of England; of which duties an account shall be kept, to the
 “ end it may appear what is to be answered to Scotland as the said equivalent.”

This required only to be left out, as being useless, since the affair of the salt
 was settled otherwise in the precedent day's vote; so that hitherto these were
 all negative clauses in the main.

The sixth clause was, “ And generally, that an equivalent shall be an-
 “ swered to Scotland for such parts of the English debts as Scotland may
 “ hereafter become liable to pay by reason of the Union, other than such for
 “ which appropriations have been made by Parliament in England of the cus-
 “ toms, or other duties on export and import, excises on all exciseable liquors
 “ or salt; in respect of which debts, equivalents are herein before provided.”

The opposition made to this article was on the same foot as the opposition
 made to the first clause, viz. That they would not have Scotland come into
 the

the English debts at all; but having consented to come in as far as the equivalent extended, they were for making a stop there. But this was found impracticable, after the duties which were to be paid by Scotland were assented to, to have turned them from the channel of appropriation which the like duties in England were appointed to run in by act of parliament, could not well be done; so after a short dispute about the possibility of this, it was passed over also.

They now came to the debate of the application of the equivalent; but this was too long a subject to enter upon that day, so it was adjourned to the next time.

M I N U T E XLVI.

Friday, December 27, 1706.

Prayers said.

Rolls called.

The Lord Chancellor acquainted the Parliament, that notwithstanding the several addresses brought in and presented to the Parliament, “against an incorporating union with England, in the terms of the articles,” have been under due consideration during the whole procedure upon the articles of Union; yet there is now information, that letters are sent through several corners of the kingdom, desiring the subscribers of these addresses to come in and assemble at Edinburgh, upon pretence of waiting the effect of the said addresses, and of knowing what return the Parliament will give them. All which he was directed by his Grace Her Majesties High Commissioner, to lay before the Parliament, to the effect proper measures may be resolved upon, for preventing any evil consequences from these practices.

And after some discourse thereupon, a proclamation was brought in and read against all such meetings and gatherings of the subjects as unwarrantable, and contrair to law.

And after farther discourse, as to the ground of the information,

Her Majesties High Commissioner was pleased to signify to the Parliament, that he had information from several corners of the kingdom of the great pains and methods which had been used to procure subscriptions to addresses, and to call into Edinburgh the subscribers against a precise day to back these addresses.

And after debate upon the draught of the proclamation, the vote was stated, “Approve of the proclamation or not.”

But before voting it was agreed to mark the members votes, and that the list of their names as they shall vote, be printed and recorded.

And George Lockhart, of Carnwath, gave in the following protestation, viz. “I
“George Lockhart, of Carnwath, protest for myself, and all others who shall adhere

“ to this my protestation, that this proclamation now offered to be emitted, dis-
 “ charging barons, freeholders, and heretors within this kingdom, to come to
 “ Edinburgh in time of sitting of Parliament, shall no ways prejudice the
 “ rights and privileges of the barons, freeholders, and heretors of this king-
 “ dom, competent to them by the laws of this nation.”

Which being read, he took instruments thereupon, and the adherers were allowed to be marked at calling the rolls.

Then the vote was put, “ Approve the proclamation, or not,” and it carried, “ Approve.” And the Duke of Hamilton, the Duke of Athole, the Earl of Errol, the Earl Marischal, the Earl of Wigtoun, the Earl of Selkirk, the Viscount of Stormount, the Viscount of Kilsyth; the Lord Oliphant, the Lord Balmerino, the Lord Blantyre, the Lord Bargany, the Lord Beilhaven, the Lord Colvil, the Lord Kinnaid; Sir James Foulis, of Collingtoun; Sir John Lawder, of Fountainhal; Andrew Fletcher, of Saltoun; Sir Patrick Home, of Rentoun; John Brisbane, younger, of Bishoptoun; Mr. William Cochran, of Kilmaronock; James Grahame, of Bucklyvie; Robert Rollo, of Powhouse; Sir Patrick Murray, of Auchtertyre; John Murray, of Strowan; Alexander Gordon, of Pitlurg; John Forbes, of Colloden; David Bethune, of Balfour; Major Henry Balfour, of Dunboig; Mr. Thomas Hope, of Rankeilor; Mr. Patrick Lyon, of Auchterhouse; Mr. James Carnagie, of Phinhaven; David Grahame, younger, of Fintrie; James Ogilvie, younger, of Boyn; Alexander Mackgie, of Palgown; James Sinclair, of Stempster; Mr. George Mackenzie, of Inchcoulter; Alexander Watson, Francis Molison, Mr. John Lyon, Sir Robert Anstruther, Mr. John Caruthers, George Home, and John Bain, adhered to the protestation given in by George Lockhart, of Carnwath.

Adjourned till Monday next at ten o'clock.

OBSERVATION XLVI.

The work of this day explains itself, and needs but little remark; this was a new shift, if possible, to have diverted the Parliament from going on with the great work of the Union; tumults and riots in the country had been tried in vain, and the Glasgow rabblers were close in the castle of Edinburgh; mobs and rabbles in the streets had been suppressed, and the guards did constant duty in the city, walked the rounds in the night, and kept the streets quiet; the meeting of the heretors and fencible men had been discharged by proclamation, and the clause in the Act of Security, licensing them to do so, had been repealed; so that now no room was left for violent methods, except by open and actual rebellion, and that had all possible provision made for it in the laws, and the Queen had ordered troops to the borders of England, as is before noted, in order to assist and support the Government in case of necessity.

The

The only pretence therefore now, was this, The addressees, as you will read in the minutes, had been continually brought in against the Union from all parts of the kingdom. Answers were not given, nor expected to be given by the Parliament, but they lay before the Parliament for their consideration; and an address lying before the Parliament, is, by the nature of the thing, supposed to be under consideration; but the addressers pretending that no regard was had to their addressees, pretend now to come all up to Edinburgh, to wait for, or rather to demand answers to their addressees; this was too barefaced a pretence not to discover its own meaning; and therefore the Parliament immediately agreed to the proclamation, to discharge or forbid all such gatherings or meetings of the subjects, as unwarrantable and contrary to law. See the proclamation in the Appendix, No. B x x.

You will observe, that on several occasions after the first proposal of printing the names of such as voted on either side, the like list of names was ordered to be made public; it would have been too long to have subjoined these to every vote, and also been troublesome and useless to the reader; but this case being something singular, I have put the names of the members as they were printed by order of Parliament, in the Appendix of this work, marked with this mark E x x, by which some guess may be made, who encouraged or discouraged the violences of those times, and what encouragements were suggested to those without, from the proceedings and conduct of those within.

It was expected by some people that these tumults should have had great encouragement on the part of the church; and great pains were taken to draw in the ministers, in several parts, to espouse the quarrel, and to appear with the people against the Union.

But the ministers, however they shewed themselves against the Union in general, and against the several particulars as they concerned them, yet they shewed no inclination to encourage the tumultuary methods that the violent tempers of other people seemed to be precipitating the nation into; and therefore the letter written by the Commission to the several Presbyteries, was very seasonable, not only to prevent the mischiefs threatening the peace of the kingdom at that time, but also to vindicate the Commission of the Assembly from the aspersions raised upon them from the above supposition; copy of which I have inserted in the Appendix, with the answer of the Presbytery of Hamilton to it, No. O x, P x.

It would have been endless to have added here the particular addressees which were presented from the several parts of the kingdom; however, some of the most significant I have added in the Appendix, marked as follows: { Address from the Presbytery of Hamiltoun, No. N x, which was very particular;

particular; the Presbytery of Dumblain, No. L x; with the Address from Kirkcudbright, No. M x; the town of New Galloway, No. Q x; Dumfermling, No. R. From these addressees, the bulk of the rest may be guessed at; only it may be noted, there were but three Presbyteries in the whole kingdom that addressed at all, viz. Lanerk, Hamilton, and Dumblain, there being sixty-eight Presbyteries in the whole.

M I N U T E XLVII.

Monday, December 30, 1706.

Prayers said.

Rolls called.

Thereafter the first part of the seventh and last clause of the fifteenth article of Union, beginning thus, “ And as for the uses to which the said sum of “ 398,085 pounds,” &c. was again read, and after reasoning, the representation of the Council General of the Company of Scotland trading to Africa and the Indies, was also again read; and after farther reasoning thereupon, and upon the application of the equivalent, a proposal was given in for altering and amending the said first part of the above seventh and last clause of the said fifteenth article, in these terms, viz.

“ It is agreed, that, in the first place, out of the foresaid sum, what con-
 “ sideration shall be found necessary to be had for any losses which private per-
 “ sons may sustain, by reducing the coin of Scotland to the standart and value
 “ of the coin of England, may be made good. In the next place, that the
 “ capital stock or fund of the African and Indian Company of Scotland, ad-
 “ vanced, together with the interest of the said capital stock, after the rate of
 “ five per cent. per annum, from the respective times of the payment thereof,
 “ shall be payed: upon payment of which capital stock and interest, it is agreed
 “ the said Company be dissolved and cease; and also, that from the time of
 “ passing the act of parliament in England, for raising the said sum of 398,085
 “ pounds ten shillings, the said Company shall neither trade nor grant licence
 “ to trade: providing, that if the said stock and interest shall not be payed in
 “ twelve months after the commencement of the Union, that then the said
 “ Company may, from thence forward, trade, or give licence to trade, until
 “ the said haill capital stock and interest shall be paid: and as to the overplus
 “ of the said sum of 398,085 pounds ten shillings, after payment of what
 “ consideration shall be had for losses in repairing the coin, and paying the
 “ said capital stock and interest; and also the haill increase of the said revenues
 “ of customs, duties and excises, above the present value, which shall arise in
 “ Scotland during the said term of seven years, together with the equivalent,
 “ which shall become due upon the improvement thereof in Scotland, after
 “ the

“ the said term, and also as to all other sums which, according to the agree-
 “ ments aforesaid, may become payable to Scotland by way of equivalent, for
 “ what that kingdom shall hereafter become lyable, towards payment of the
 “ debts of England; it is agreed, that the same be applied in manner follow-
 “ ing, viz. That all the public debts of the kingdom of Scotland, as shall be
 “ adjusted by this present Parliament, shall be payed, and that 2000 pounds
 “ sterling per annum, for the space of seven years, shall be applied towards
 “ encouraging and promoting the manufacture of course wooll within these
 “ shires which produce the wooll, and that the first 2000 pounds sterling be
 “ payed at Martinmas next, and so yearly at Martinmas during the space
 “ foresaid; and afterwards the same shall be wholly applied towards the en-
 “ couraging and promoting the fisheries and such other manufactures and im-
 “ provements in Scotland, as may most conduce to the general good of the
 “ united kingdom.”

Which being read, and after reasoning thereon, it was moved, “ That the
 “ Company of Scotland trading to Africa and the Indies be heard by their
 “ lawyers upon the rights and privileges of the said Company before any fur-
 “ ther procedure.” And after debate,

The said hail seventh and last clause of the said fifteenth article of Union,
 from these words, “ And as for the uses to which the said sum of 398,085
 “ pounds sterling,” to the end, with the above alteration and amendment, was
 read over.

And thereupon there were two states of a vote offered, the first in these
 terms, “ Approve of the fifteenth article of the Union, as altered and amended,
 “ yea or not;” and the second in these terms, “ Whether this House will
 “ dissolve the Indian and African Company, without the consent of the pro-
 “ prietors, and hearing the Companies lawyers upon the rights and privileges
 “ of the said Company, yea or not;” and after some reasoning which shall
 be the state of the vote, “ First or Second,”

It was agreed before voting, That the members votes be marked, and
 that the list of their names, as they vote, be printed and recorded.

Then the vote was put, “ First or Second,” and it carried, “ First.”

Thereafter it was put to the vote, “ Approve of the said fifteenth article, as
 “ altered and amended, or not,” and it carried, “ Approve.”

Then an overture given in, in these terms, “ That it be remitted to the
 “ Committee to consider what consideration shall be had of the losses of the
 “ coin; as also what the capital stock and interest of the African Company
 “ may amount to, and how and to whom the same shall be paid, and likewise
 “ to adjust the list of the publick debts, and to prepare overtures on these
 “ several heads, and to report to the Parliament, with power to them to call

“ for papers and persons ;” and accordingly it was remitted to the Committee to whom the sixth and eighth articles were remitted.

Adjourned till to-morrow at ten o'clock.

O B S E R V A T I O N XLVII.

Upon this part of the application of the equivalent, great stir was made, on pretence of preserving the African Company, and some papers were offered to the Parliament.

The Company made a long representation to the Parliament, needless to be inserted here.

There was a party who pretended to struggle, and some motions appeared in the House to that purpose, against the dissolving the African Company. It is confessed, the Company was a thing the nation had a great concern in, almost every considerable family in the kingdom having some share in the stock, and consequently in the loss, for it was reckoned no better : the historical part of that transaction does not relate to this place, but it may be proper to say a little to it, to introduce the true understanding of the vote.

The Company had been erected upon a general subscription of 600,000*l.* sterling, most of it subscribed in Scotland, upon which every subscriber had paid down a certain part of the sum subscribed, and was liable at the call of the Company to be pursued for the remainder, and to pay it all in, as by the several acts of parliament, settling and confirming the said Company, will appear.

Upon the miscarriage of the expedition to Darien, and the return of their ships, &c. the Company was so discouraged and disheartened, that no new attempt, either there or any where else, had been so much as talked of, nor were any other payments demanded, the loss of what was already expended lying very heavy upon the nation, and particularly upon some families who could very ill bear it.

The design had so effectually miscarried, that the stock advanced was not only expended, but the Company was brought very low, and was very far in debt upon the account of their said expedition to Darien ; and the subscribers were always apprehensive of a call upon them of some farther payment, to discharge the remainder due on the old voyage, or perhaps to form some new expedition, and this made some people so uneasy, that they sold their stock in the said Company for trifles, only to be secured against farther demands ; in general, the interest in the said stock was come to so low an ebb, that people valued themselves little or nothing upon their shares in it ; and when the first view of the Union came on, and some thought one way
of

of it, some another, they either bought or sold as their opinion of the Union, and its prospect of success either increased or decreased; and indeed the public expectation of the success of the Union ran very low at this time, as may be supposed, from the value now put on the stock of the African Company, which was fallen so low, that several people offered to sell their whole interest for ten per cent. on the original stock, though at the same time they saw, that if the Union took place, the whole principal money, with interest, was to be repaid them.

There seemed to be abundance of difficulties in the way of the treaty; the fury of the rabbles, the tumults in the streets, the strength of the opposition, and the abundance of debates they were yet to go through, gave so mean a prospect of the Union, that though it was an article in the treaty, that when it was finished all the stock of the African Company should be repaid with interest, as above, out of the equivalent money; yet nobody valued themselves upon it then, nor were any very fond of buying, though the demand was exceedingly low; and indeed so low, as told every one the sellers looked upon it as a desperate case that they had no dependence upon, and very little expectation from.

It was expected there should have been a debate upon the previous question, Whether the African Company should be dissolved or not? and as per the vote, it was proposed to hear lawyers or counsel in behalf of the Company; but it was apparent this also was a proposal not so much in behalf of the Company, as in order to put a full stop to the Union, since it was evident two companies could not be consistent in Britain.

Nor was it alledged, that the proprietors of the Company, had it been put to the question, would have desired the Company to continue, and so have disbursed farther sums to carry on their trade, in hope of making up and recovering their money; and this rather than have received their principal sums with interest back again, which was a thing they had no reason to expect.

The proposal therefore was rejected; not that every man's consent, in his own private right, was not acknowledged to be needful: but this being a public act granted by Parliament, the Parliament first securing every man his whole principal and interest from the very time of payment, had undoubtedly a power to rescind their own act, and cause to cease all the powers and privileges which derived from them.

Upon this foot it was thought just to repeal the acts establishing the Company, even without hearing their lawyers, or demanding their assent. Again, had the assent been demanded, it ought to have been not an assent of the

directors or council, but of every proprietor, which, as it might have been difficult, and, perhaps, impossible, would have effectually answered the end of those gentlemen who sought to bring these matters to a head of debate, and so have wrought out of them the wished-for delay to the Union then in hand.

Some also alledged this case as parallel to the great case now depending, and would have argued the last from the consequence of the first, viz. that as the Company could not be dissolved by the consent of the directors or council, or managers of their affairs, but by the universal consent of the whole body of subscribers; so neither could the constitution of Scotland be altered by the act and deed of the representative, without the concurrence and assent of the constituents from whom the representatives derived. But this seeming parallel appeared to be imperfect, and consequently to be no parallel at all, since the Company could at any time be legally dissolved, and their charters, privileges, and powers, be made to cease by the same power that made them, without asking the assent either of the directors or subscribers; that is, without consulting the representative or constituent parts of that body, and the power so dissolving or taking away the said Company, had no other obligation upon them, than in justice to make good all damage or detriment to private persons; and this was effectually done.

The fate of the African Company of Scotland being thus determined, the farther application of the equivalent was the next work; and there seemed only two things to call immediately for help.

1. The coin, which of necessity required a new regulation.
2. The public debts of the nation, which called loudly to be discharged.

The coin was agreed to be the first consideration, and as per the minute appears, was unanimously agreed to; the state of which was in short thus:

By the lowness of the coin in Scotland, both as to quality and quantity, I mean the old money, Scotland came under this general disadvantage, viz. that almost every foreign coin past current in Scotland to advantage: for example; the English shilling past at thirteen pence; the French crown, which in London goes at four shillings and six pence, past at five shillings; the Dutch dollar at fifty-eight pence; the bank dollar, and three other sorts, commonly called the wild horse, the wild man, and castle, being generally imperial or rex dollars, were by act of council raised to sixty pence.

This indeed had been occasioned by the government in Scotland formerly crying up their own money above the usual rate, a thing always fatal to the nations that have thought fit to venture upon it, and which precipice England narrowly missed splitting upon in the late restoration of her coin; at which

which time some people pushed hard at raising the value of the standard, not being aware of the national injury of raising the value of foreign specie, and subjecting the general credit to a loss on exchange with all nations of the world.

By the Union the coin of Scotland was to be reduced, and brought to the English standard; the consequence of this was of necessity, that there would be a loss upon all the kinds of money, both foreign and proper. To cry down the foreign money, and bring it to a value, could not be, because the English money being the standard, was to be the only current money, and all other money would, as in England, go by weight only; to sink the difference in the hands of particular persons, who had such money in possession, would have been a great loss upon the poor people, and what they could not easily bear.

The advance upon the English money, which was one penny on every shilling of the silver, and two shillings two pence upon every guinea, fell by the course of things, that money being to go current at the rates as in England; and this was no small loss to the people that had English money by them; but the foreign and Scots money being no more to be current, it was but reasonable that the public should defray the charge, and make good the loss; and therefore this was allotted out of the equivalent.

Nor was that all; but as this was a case which admitted no delay, so it obtained the preference of every thing else; for till this was settled, the circulation of money would have been stopped, and a general stagnation of trade would have followed; and therefore it was appointed to be made good out of the equivalent before the African Company was refunded; and this set the mint quickly to work, as will appear in its place.

The next thing to be paid out of the equivalent was the public debts; there were some who struggled heartily to have the debts of the Government come in before the affair of the African Company, but it could not be carried; those debts were not all ascertained, and the claims were to be remitted to the decision of the law, at least many of them, and this would have left the African affair to a long uncertainty, which neither the nature of the thing, nor the occasion that subscribers had for their money, could admit of: for it is to be observed by the clause, that if the whole was not paid them within twelve months, they had privilege to trade, or give license to trade, as if they were not to dissolve at all.

Next after the African Company, therefore, the public debts came to be considered, and the equivalent was appropriated to the discharge of the said debts; and if the present sum fell short, it was to be made good out of the

growing customs and revenue of Scotland, which for seven years was to be appropriated to such uses as will hereafter appear.

The next in order was to bestow this money for the encouragement of trade, and first the wool masters, as they are called; that is, the gentlemen whose estates were in the sheep countries, and whose rents were generally paid in wool; these made loud complaints, that the Union bringing upon them a prohibition or restraint of the exportation of wool, and there being no consumption by manufacturing at home, and their wool too coarse for sale in England, their estates would be visibly sunk, and therefore that they ought to have some equivalent also.

To this it was alledged, that the exportation of wool, however obtained lately in Scotland, yet was grievous to the whole nation, and ought to be restrained by law, as it was injurious to trade, and that it used in former times to be restrained; that therefore if this was a present loss to them, it was nothing but a reducing them to what they were before, and taking away the advantages they had made for a few years out of the public losses: but however, that all parties might, as far as possible, be made sensible of the equity and justice of the Union, a consideration of 2,000*l.* sterling per annum was allowed to encourage setting up such manufactures in these places as might employ the poor, and help forward the consumption of the wool in the countries where it is grown. How this 2,000*l.* per annum was disposed, and what effect it had on the wool, or on the trade, I may examine hereafter.

A remainder after this is allotted to the fishing, &c. but the issue of this also being not come to knowledge at writing of this history, I can give no farther account of it.

As to the affair of the coin and of the African Company, the particulars were referred to the Committee, and we shall meet with them again in their course, the report of the said Committee being formed into an act of parliament, as will appear in its place.

M I N U T E XLVIII.

Tuesday, December 31, 1706.

Prayers said.

Rolls called.

Saturday next appointed for private business.

Thereafter the sixteenth article of Union was read twice over, and the following words were added thereto, “ And that the present officers of the

“ Mint

“ Mint be continued, subject to such alterations,” &c. And the article as amended being again read over, after reasoning thereon, a memorial was given in, in relation to the losses by the coin, and remitted to the Committee, to whom the sixth and eighth articles were remitted.

Then the vote was put, “ Approve of the sixteenth article or not,” and it carried, “ Approve.”

Moved, That a proclamation be issued forth “ lowering the value of the current coin of this kingdom to the true standard,” and remitted to the above Committee, to be proceeded on by them prior to all other business.

The seventeenth article of Union was then read, and after some reasoning thereon, it was put to the vote, “ Approve of the seventeenth article or not,” and it carried, “ Approve.”

Thereafter the eighteenth article of Union was read, and after reasoning thereon, an overture was given in for adding a clause in these terms, “ That all “ Scotfinen be excoemed from the English sacramental Test, not only in Scot- “ land, but in all places of the united kingdom and dominions thereunto belonging, and that they be declared capable of offices throughout the whole, “ without being obliged to take the said Test.”

And after debate, it being moved, That it was not now intire to add the said clause in relation to the sacramental Test, in respect of the vote of Parliament of the 12th of November last, against adding the like clause. After some farther discourse thereon,

It was agreed, that the same should be put to the vote, and that the members votes be marked, and the list of their names as they shall vote be printed and recorded.

Then the vote was put, “ Whether it was intire to add the said clause or “ not,” and it carried “ Not.”

Thereafter the vote was put, “ Approve the eighteenth article or not,” and it carried, “ Approve.”

Act for adjourning the session to the first day of February next to come, given in and read, and a first reading ordered to be marked thereon.

Then the nineteenth article of Union was read, and delayed till next *federunt* of Parliament, and to be then taken under consideration.

The Committee appointed to meet to-morrow at nine o'clock.

Adjourned till Thursday next at ten o'clock.

O B S E R V A T I O N XLVIII.

The matter committed to the Committee here was not whether the coin should be reduced to the English standard, and be alike all over the island, for that every one seemed to agree, especially after it had been agreed before that the deficiency should be made good out of the equivalent; but how and in what manner the deficiency of the money should be made good, was the thing the Committee was to consider: and here, contrary almost to the hopes of the people, the Committee concluded, that the deficiency even of the English money, viz. one penny in each shilling, should be made good.

But here was a great difficulty, which was this; if it should be voted that no consideration should be given for the English money, the people would be great losers, and the article of making good the losses of the coin would not be made good to them. If the deficiency was voted, then the English would bring in vast sums of money upon them to receive the deficiency, and have it out in current money, and so carry it home again, and by this trick, as some suggested, all the equivalent might be exhausted.

But the Committee found a cure for both these evils together. 1. They resolved to make good the deficiency of the English money, that is, the English silver money, not the guineas, and so all the objections of that sort fell to the ground; and to prevent the possibility of bringing in any quantity of silver money from England, they appointed all the English money in the nation to be brought into certain places all in one day, where the sums being told, sealed up, and laid by till no more was left to bring in, the money was delivered back again the same day, with a certification of the same, which entitled the proprietor to the deficiency to be paid out of the equivalent.

Thus in one day all the English money in the kingdom, (viz. all the silver money) was reduced to the English value, and went after that as in England, and for no more; and as the rate of exchange always attends the intrinsic value of the specie, so the exchange, which before ran at eleven or twelve per cent. to the disadvantage of Scotland, immediately came to a par, and money ran between London and Edinburgh at a half per cent, or at most one per cent. sometimes this way, sometimes that way, as the demand of remitters and drawers happened to alter the case.

However the proclamation mentioned in this vote was concealed till the time that all things were ready for this calling in the money, that people might

might not have notice of the thing, and consequently have room to bring in money from England : it was alledged nevertheless, that several considerable sums were brought over the borders, but I never could understand that it was proved : for the particulars, the reader is referred to the proclamation which contains the report of the Committee, and shall come in its place.

The seventeenth article required no debate at all, being what every body acknowledged to be needful.

The eighteenth article was so well worded, and every thing that related to Scotland so well provided for, that there was very little room for objection, and what was offered merits not to be remembered : what was said relating to the laws being made alterable by the Parliament, amounted to nothing but just what had been argued in London at the treaty ; as for those that would have it out of the power of subsequent Parliaments to alter any of the laws, when they came to consider that this was to bar Scotland from having the advantage of a legislature, and from what is essential to all government, viz. to have a power in being to make such laws as they shall want, they presently quitted a notion so very wild, remembering that laws which are for the public good in one age may be directly otherwise in another ; and to leave the Parliament no power to amend or alter the laws, would be to put Scotland in a worse condition than any nation in the world, that when any part of her law became grievous to her, it could not, though at her own request, receive any amendment ; the reasonableness therefore of its being always in the power of subsequent Parliaments to make or amend laws being granted, the distinction of the article admitted the less debate, all things being to be done only to the evident utility of Scotland.

There was a second attempt made here with relation to exempting the Scots from the sacramental Test in England ; but as it was just the same thing as is mentioned already in the observation of November 12, I need make no farther remark upon it than this, that it was thrown by as a thing in itself impracticable, unreasonable for the Scots Parliament to meddle with, and as offered only to embarrass the present great affair upon the stage.

The session or term for law proceedings was now farther to be adjourned, and this was thought necessary, not only because of the present hurry the nation was in, being universally taken up about the great affair of the Union ; but it was thought some advantages were designed against the treaty, from the confluence of the people that from all parts of the kingdom generally come together on this occasion ; and the gentlemen who were for the Union did not think it safe to give such an opportunity or pretence for the country to gather to Edinburgh, as that must of necessity offer to them.

M I N U T E XLIX.

Thursday, January 2, 1706.

Prayers said.

Rolls called.

Act adjourning the session to the first day of February next to come, read a second time; and after reasoning, it was proposed, that the adjournment should be to the fourth of February; and likewise proposed, that the adjournment should only be to the twenty-first of January instant; and after farther reasoning, the vote was put, "Approve of the act adjourning the session to the twenty-first of January, or fourth of February," and it carried, "Approve of the act adjourning the session to the fourth of February next to come."

Thereafter the act was touched with the royal scepter by Her Majesties High Commissioner in the usual manner.

Then the nineteenth article of Union was again read, and after some reasoning on the first clause of the said article, in relation to the court of session, or college of justice, a motion was made for adding a clause in these terms: "And that hereafter none shall be named by the Queen or her successors to be ordinary Lords of session, but such who have served in the college of justice as advocats or principal clerks of session for the space of five years."

And after some reasoning, it was also moved, That writers to the signet should be added to the advocats and clerks.

And after farther reasoning, the vote was stated, "Approve of the first clause or paragraph of the nineteenth article with the above additional clause, or without it."

But before vothing, it was agreed, that in case the vote should carry approve of the said first paragraph of the nineteenth article with the additional clause, it shall be intire to debate, whether writers to the signet are to be added or not.

And thereupon the said first paragraph and additional clause being read over, the vote was put, "Approve of the said first paragraph with or without the addition," and it carried, "With the addition."

And after debate, "Whether writers to the signet shall be added or not," it was put to the vote, "Add writers to the signet or not," and it carried, "Add."

Whereupon it was moved, That such of the writers to the signet as have served five years in that station shall be understood qualified as well as advocats and clerks; and after debate thereon, it was moved, that the farther debate be adjourned till the next *sederunt* of Parliament; and also moved to proceed now to the determination of the time for their qualification.

And after reasoning, the vote was put, "Proceed or delay," and it carried "Delay."

Adjourned till to-morrow at ten o'clock.

OBSERVATION XLIX.

I have given the reasons for adjourning the session in the last observation; the debates of this day were only upon the day to which it should be adjourned, which are not material, only to note, that the gentlemen against the Union were always for the shortest adjournment, which some said, was in hopes to get the session to begin before the Parliament should end.

By the nineteenth article the Court of Session, or as it is called, the College of Justice, with the Court of Justiciary, are here effectually established and confirmed, their being and constitution cannot be touched, no not by the Parliament; they are indeed to submit to regulations, and it cannot but be reasonable it should be so; but none of these regulations can affect them as a Court.

It may not be unnecessary, for the sake of the English reader, to explain the terms in this article, and to describe the people mentioned here by the like kind of offices known in England, and to note,

1. That the College of Justice consists of the Lords of Session, advocates, and writers to the signet. The Lords of the Session are a bench of Judges, consisting of fifteen, of whom one is Lord President of the Session, now possessed by Sir Hugh Dalrymple, brother to the Earl of Stair. These are Judges of all causes of private right, like as the Court of Queen's Bench and Common Pleas, from whom appeals lay before the Parliament, called Petitions for Remedy of Law. Their salary was two hundred pounds per annum, but is now since the Union five hundred pounds.

2. The Court of Justiciary is a criminal court, consisting of five Judges, who are called the Lords of Justiciary, of whom the Earl of Cromarty is President or Chief, and is called Justice General.

Advocates here are lawyers, such as the counsellors at law in England, who plead before the Lords of the Session, (the Judges) and give advice, take fees, &c. as the counsellors of the inns of court in England.

Writers are something like attornies, who prosecute law suits, and prepare things in due form for trials at the bar.

Writers to the signet are a select number of those by whom all processes must be signed before they can go in form.

It was the subject of no small debate here, whether any writer should be capable of being lord of the session, or advocates or counsellors only; it had been alledged, that it was dishonourable to the bench of judges to raise any of the writers, which are a lower rank of practitioners, to the dignity of a lord of the session; that it was advancing them over the heads of the advocates, that in England no man arrives to the dignity of a judge, till he is first received within the bar; that is, made a serjeant; and that till now writers were not admitted.

The first motion was even against advocates or clerks of the session too, “till they had served a certain number of years as advocates;” but the writers finding themselves excluded by that vote, got it added after a long debate.

It remained then to determine what writers should be qualified, and which excluded; but as this debate seemed something of a surprize to the Parliament, and the whole faculty seemed concerned in it, it was put off to the next day. The debate seemed of no great concern to the public, but as it affected private persons, whose interest was at that time strong in the Parliament, it occasioned warm debates.

MINUTE L.

Friday, January 3, 1707.

Prayers said.

Rolls called.

Then the Parliament resumed the consideration of the debate anent the qualification of writers to the signet, before they can be named ordinary lords of session; and after some farther debate, as to the time they are to serve as writers, before they can be capable to be named lords, there were two states of a vote offered; the first in these terms, “Whether they shall serve twenty years, or none;” and the second in these terms, “Whether they are to serve eight or ten years;” and after some reasoning, which of the two should be the state of the vote, “First or second,”

The Earl of Abercorn gave in a protest against the first state of the vote in these terms: “I protest against the stating of the first vote, because, which way so ever it may be carried, it, in my humble opinion, elides one of the two votes past yesterday, relating to the additional clause; for if it should be carried, that a writer to the signet may be admitted to be an ordinary lord of the session, without limiting a reasonable time for qualifying himself by experience, as to the practical part of the law, then that seems to be inconsistent with the
vote,

“ vote, requiring advotes undergoing a five-years probation at the bar : on the
 “ other hand, if the vote should be carried for a writer’s being twenty years in
 “ that station, before being capable to be named by the Sovereign to be an or-
 “ dinary lord of the session, that seems to be tantamount to an absolute exclusion
 “ of writers from the said office.” And thereupon he took instruments.

Then the vote was put, “ First or second,” and it carried, “ Second.” There-
 after the vote was put, “ Eight or ten years,” and it carried, “ Ten years.”

Then a motion was made for an additional clause, in relation to the qualifica-
 tion of writers, in these terms : “ With this provision, that no writer to the signet
 “ be capable to be admitted a lord of the session, unless he undergo a private and
 “ publick tryal on the civil law before the faculty of advocates, and be found by
 “ them qualified for the above-said office two years before they shall be named
 “ to be a lord of the session ; and after reasoning thereon, the vote was stated,
 “ Add the clause or not.”

But before voting, it was moved, “ That the qualifications made, or to be
 “ made, for capacitating persons to be named ordinary lords of session, shall be
 “ alterable by the Parliament of Great Britain ;” and after debate, it was put to
 the vote, “ Alterable or not,” and it carried “ Alterable.”

Then the vote was put, “ Add the clause in relation to the qualification of
 “ writers, and it carried “ Add.”

Thereafter the second clause of the nineteenth article of Union, in relation to
 the Courts of Justiciary, was read, and agreed to.

And the third clause, in relation to the Admiralty, was also read, and agreed to.

Thereafter the other clauses of the said nineteenth article, in relation to the
 Court of Exchequer and other courts, and also the remainder of the article, was
 read, and agreed to.

Then the vote was put, “ Approve of the nineteenth article as amended, or
 “ not,” and it carried, “ Approve.”

Adjourned till to-morrow at ten o’clock.

OBSERVATION L.

There needs little to be said of this day’s work, our last observation having
 stated the case, and the vote itself being more particular than ordinary in that
 matter.

The writers to the signet were admitted to be made ordinary lords of the
 session, upon conditions and qualifications as by the minute, viz. ten years con-
 tinuance as writer, and two years afterward passing a trial before the advocates.

But it may not be unnecessary to note, that all this debate had some
 ground for it that did not yet appear, and some personal views were in it
 on either hand : the latter it can be of no use to meddle with here ; but
 the reasons in general of this debate were, to foreclose the admitting persons

to be judges, who had not been bred to the law, a thing really significant in itself, and which some alledged had been but too much practised in Scotland, to the great prejudice of the College of Justice in general, the injury of the gentlemen who were bred up to the study of, and had run through long practice in the law, and not much to the reputation of the whole Session in general. It was said also, that there were views of this sort at this time, and that much of the debate was founded upon that head, but this I will not affirm; it is certain, the lawyers made no small struggle in the case of qualifications on both sides: the people generally seemed very well pleased with the limitations, as what seemed very much to regard the reputation of the law, and be some security for the time to come; that such as shall be advanced to be judges of the law, shall be chosen from among those who best understand the law. At last the debate seemed to meet with some interruption on account of submitting these qualifications to the Parliament of Great Britain. This was opposed by several sorts of people; and it may be noted, some were for submitting this to such alteration, who were very warm against submitting other things. Their reasons were plain to the persons concerned; but being of no public consequence to record those things, I leave them to the observation of the respective parties.

It was at last settled, as per the vote, “Alterable by the British Parliament.” And I cannot but note, that those gentlemen, who expect the limitations shall be enlarged by a British Parliament, and were, on that account, forward to subject it to such alteration, may very probably be disappointed; Parliaments in England having, on all occasions, shewn themselves forward to secure a succession of able and well-qualified persons to be judges in England, and will no doubt be careful of the same in Scotland, whenever that case shall come before them.

MINUTE LI.

Saturday, January 4, 1707.

Prayers said.

Rolls called.

Act in favours of the burgh of Dundee, for an imposition of two pennies upon the pint of ale and beer, to be browen and vended within the bounds, and for the uses therein mentioned, read a second time; and after reasoning thereon, a clause was offered to be added thereto, empowering overseers and managers of the said imposition, and with power to determine how it should be uplifted, whether out of the malt or out of the liquor; and a petition given in for the brewers of Dundee against the said act was read; and another clause was offered to be added to the said act in favours of Mr. James Anderson, in these terms, “With
“ this

“ this provision, as it is hereby expressly provided and declared, that the said imposition is, and shall be burdened with the sum of twelve hundred pounds yearly, for the space of six years, to be payed to Mr. James Anderson, writer to the signet, or his assigneys, as a part of the expenses of the work recommended to him by the Parliament, and that at two terms in the year, Martinmas and Whitsunday, beginning the first terms payment at Martinmas, 1707 years; and ordains the magistrates of the said burgh to make payment of the same accordingly.” Which being read, it was agreed to add the said clause; and after farther reasoning on the said act, several other amendments were made thereupon, and after debate on the above petition for the brewers, and clause in relation to the management, it was put to the vote, “ Approve of the act as amended, or add the clause,” and it carried, “ Approve.”

Then the Lord Chancellor, by order of Her Majesties High Commissioner, acquainted the Parliament, that in this session of Parliament, other two days shall be appointed for private business.

Draught of an act for dissolution of the lands of Orkney and Zetland from the Crown, in favours of the Earl of Mortoun, read and agreed; that the feu-duty payable therefore, shall be six thousand pounds, and that the Queen's haulks be reserved, and a first reading ordered to be marked thereon; and agreed that the said act shall be first proceeded upon the first *federunt* for private business preferable to all others.

Petition, John Henry Huguetan, craving to be naturalized, and also craving a protection, again read, and thereafter an act for his naturalization was also read; and likewise, an act for the naturalization of Colonel Scipio Hill; Lieutenant-colonel Henry Verriere of Her Majesties regiment of foot-guards; Lieutenant-colonel John Cadour, Captain in Major-general Maitland's regiment; Captain Theadore Dury, Her Majesties chief engineer; Captain Daniel Charlot, Brigadier in Her Majesties troop of guards; Captain John Burjond, in Colonel Grant's regiment; Captain James Cavalier, Lieutenant in Her Majesties troop of horse granadeers; Ensign Peter Charantoun, in the Lord Strathnaver's regiment; Peter Cregut, formerly Lieutenant in Sir William Douglass's regiment, Jeremiah Bosugne, Adjutant to Major-general Maitland's Regiment; Mr. James Leblanc, and Daniel Lafagette, merchants; Joshua Legoux, servitor to the Earl of Roxburgh; Francis Gobron, late servitor to the Earl of Crawford; Peter Bishop, alias Lamar, servitor to the Earl of Strathmore; Mr. John Godfrey, preacher of the gospel; and Major Belshazer Guydet, Captain of dragoons in the Marquis of Lothian's regiment, was read; and a first reading ordered to be marked upon the said acts.

And after debate upon the above petition as to the protection, it was moved, that a deliverance be granted thereon, in the following terms, viz. “ That

for

“ for the better enabling the petitioner to re-establish his affairs and satisfy
 “ his just debts, protection be granted for the space of seven years to the pe-
 “ titioner’s person ; and also, that protection for the space foresaid be granted
 “ to the petitioner’s goods and estate, heretable and moveable, against dili-
 “ gence at the instance of creditors, for such debts as have been contracted
 “ before April 1705 years ; excepting such debts as have been contracted to
 “ any of the subjects of Her Majesties dominions, or such debts as have been
 “ originally contracted to the subjects of her Majesties allies, or which shall
 “ be made appear by the creditors before the Judge Ordinary, to have been
 “ transferred to them bona fide, and for adequate onerous causes, before the
 “ twelfth of December last ; providing always the petitioner reside within
 “ this kingdom during the time of the said protection.”

And after farther debate, it was put to the vote, “ Grant protection to the
 “ petitioner in the above terms or delay till the act for his naturalization get a
 “ second reading,” and it carried, “ Grant protection in the above terms.”

Agreed, that the act in favours of the burgh of Aberdeen, for an imposi-
 tion in the terms therein mentioned, be under consideration the first *federunt*
 for private business, next to the act in favours of the Earl of Mortoun.

Then it was intimate, that there being an action upon the protest for remeid
 of law, Sir Thomas Dalziel, of Binns, against the Lady Caldwell and her hus-
 band, the procurators for the Lady Caldwell and her husband be ready to
 answer against the next *federunt* for private business, and Sir David Dalrymple,
 authorized to plead for the pursuer.

Petition for the heretors and tradesmen of the Cannongate, for a remit to
 the Commissioners of Supply of the shire, to value their tenements and yards,
 and to establish a settled valuation thereof, that conform to the valuation, they
 may pay their proportion of cess to the Good-town, for their relief thereof,
 read, and appointed to be seen and answered against the next *federunt* of Par-
 liament for private business.

Agreed that my Lord Chancellor rank and bring in private business to the
 Parliament the following days for private business as he finds just.

Adjourned till Monday next at ten o’clock.

OBSERVATION LI.

This was a day for private business, and I should have wholly omitted
 the minute of it, but on the following occasion.

First, To note how the Parliament of Scotland, on all occasions, encour-
 aged learning and industry, and particularly the labours and study of Mr.

James Anderfon, a gentlemen bred to the study of the laws of Scotland, but by his own inclination, led into that painful, but most excellent and useful study of Antiquity : in the prosecution of which, he had begun a most tedious and chargeable work in search after the antiquities of Scotland ; and had formerly laid before them the specimens he had made of that work, which met with a general approbation, and the reward allotted him for it, shews the sense the House had of the greatness of the undertaking ; which if that gentleman live to finish, it may let the world know, their money was not ill bestowed.

The naturalizing Monsieur Huguetan, was a thing lay open to some reflections, and at first looked meanly enough. The man was fled from France, and as was said, had defrauded the King of France and private persons also of great sums of money ; and finding himself unsafe in England, where a commission of bankrupt had been attempted to be sued out, he sought protection here.

However, the Parliament consented to the naturalization, but limited and restricted the protection he sought, with such just and reasonable clauses, as that Monsieur Huguetan never thought fit to take the benefit of it, but went away to Holland, where, what became of him, how he was near being trepanned away into France, where his fate had been most certain ; how the States General repented the attempt, and punished the persons, though at the same time they did it in respect to their own jurisdictions and constitution, rather than in respect to the person. How, afterward, he was married to Mademoiselle D'Odyke, in spite of all the opposition made by Monsieur D'Auverkirke, her near relation, and Velt Marshal of the forces of the States. These things, as not material to this history, I shall take no notice of, and only mention the other, to let the world see, that, though the enemies of Scotland loudly clamoured, that for the sake of bringing money thither, they would make themselves the sanctuary of the most infamous persons ; yet, that upon the application of this man, they clogged the favour they bestowed with such just clauses in relief of the claims of private persons, that, if the person sought any sanctuary against his just debts, he found it was not to be obtained in Scotland, and therefore he was so far disappointed. As to his public affair with the government in France, it did not appear other than by report ; and no public body could be obliged to provide against any thing that they had no documents to prove, and which nobody appeared to accuse him of.

M I N U T E LII.

Monday, January 6, 1707.

Prayers said.

Rolls called.

Then the following addressess were given in and read, viz. Address of barons, freeholders, heretors, gentlemen, and others in the shire of Aberdeen, subscribers of the same; address of barons, freeholders, heretors, gentlemen, and others in the shire of Kincardine and town of Stonehaven, subscribing the same; an address of inhabitants of the town of Peterhead, subscribers of the same; all against an Union with England in the terms of the articles.

Overture for an act anent the Admiral Court, read, and ordered to be printed.

A report brought in from the Committee to whom the consideration of the coyn was remitted, was read, as also a proclamation in relation thereto; and after reasoning thereon, both were remitted back to the said Committee to be farther considered.

Then the twentieth article of Union was read; and it was moved, "That a clause should be added thereto for preserving the whole records and registers, both general and particular, and warrants thereof, and for detaining and keeping them within this kingdom in all time coming:" and after reasoning thereon it was agreed, "That, when the twenty-fourth article falls under consideration, a clause to that effect shall be brought in to be added thereto."

Agreed, that after the words, "heretable offices," and "heretable jurisdictions," the word "superiorities" be added to the said article: and the article being read over with the said addition, the vote was put, "Approve the twentieth article of Union or not;" and it carried, "Approve."

Then the twentieth first article of Union was read; and after reasoning, it was moved, to add a clause thereto in these terms, "subject nevertheless to such alterations as the Parliament of Great Britain shall think fit." And after farther reasoning thereon, two states of a vote were offered; the first in these terms, "Approve the article or not." The second in these terms, "Add the clause or not:" and after some reasoning which should be the state of the vote, "First or second,"

It was agreed, that the members votes shall be marked, and that the list of their names, as they vote, shall be printed and recorded.

Then the vote was put, "Which shall be the state of the vote, first or second;" and it carried, "First."

Thereafter, the vote was put, “ Approve the twenty-first article of Union, “ or not;” and it carried, “ Approve.”

Then the twenty-second article of Union was read; and the consideration thereof delayed till next *federunt* of Parliament, to be then proceeded upon previous to all other business.

Adjourned till to-morrow at ten o'clock.

OBSERVATION LII.

The affair of the Courts of Admiralty and Exchequer need very little remark; they were by the nineteenth article reserved, and their distinct powers are very expressly stated in the article itself; nor did it occasion any great debate in Parliament; for those debates which were raised upon a supposition of the Union taking place, it was observed, gave the House the least trouble; which I take to be a farther proof, that the main design in opposing and debating the particulars was, as they pointed at the general; and it was therefore a just observation, that any head of argument became more or less vigorously opposed, as it more or less pushed at the Union in general.

The office of the Lord High Admiral for all Britain, it was absolutely necessary to reduce to one. But the Courts of Admiralty having their several jurisdictions and authorities were as necessary as several private rights, which by the next article were to be reserved, depending entirely upon it.

The heretable rights of Admiralty, and the Vice Admiralties, were also necessary to be supported; and all these things made it absolutely necessary to preserve a Court of Admiralty, the trials being to be had in Scotland, and which by the constitution and laws of Scotland, reserved as before, could not be legally transferred to, or taken cognizance of, by the Court of Admiralty of England.

The like in the affair of the Exchequer, where, if the seizures of the customs, if private rights and debates between the Queen and subject, could not have been tried in Scotland, the general reserve of the laws to Scotland could not have been maintained, and the subject would have been put to intolerable inconveniences and expences in pursuing and defending in all pleas of the Crown, or cases between the Queen and her subjects.

These things, therefore admitted of very little debate, but were regulated by the methods required by the customs and forms of laws, and then past, as it were, in course.

The affair of the Privy Council was also left to its own fate, the story of which I omit here, because it will come necessarily to be spoken of in the

subsequent part of this History, when it was deposed with some struggle, and, as some thought, a little sooner than was needful.

The present article, which I take to be a very extensive one, had passed, and been in all its parts unexceptionable, had not one unhappy word been brought in, and this was, the word “superiorities;” but this being added, without any condition or power left in Parliament to dissolve those superiorities, upon an equivalent to the owners, whenever the united Parliament should find occasion for the public good to do so, has bound down Scotland to the private tyranny and oppression of the heretors and lairds, which it is easy to make appear, is at this time one of the greatest objections to her peace and prosperity.

The superiorities meant here are the rights of vassalage which the gentry of Scotland have over the people; which, as it is extended, gives the chiefs and heads of clans, lairds, and heretors, such an absolute dominion over both the persons and goods of the poor subjected people, as seems perfectly inconsistent both with the peace and improvement of Scotland in particular, or of any free nation in general; and this two ways.

1. As it gives too great a power to particular persons, who are thereby rendered independent of the law, and put in too easy a condition to insult the government, and break the public peace; instances of which have been given since the Union, as shall particularly appear in the process of this history, where persons by the assistance of their tenantry, and the dominion of their own superiorities, protected themselves from the public justice, and bid defiance to the just resentments and suspicions of the government, even in a time of French invasion. That a power to put any one in such a posture, is inconsistent with the public peace, I need not spend time here to dispute, and Scotland may have, and I doubt not will have occasion to acknowledge.

2. As it keeps the common people and tenantry of Scotland in a condition inconsistent with the liberty of a free nation, and under an intolerable slavery to their landlords, by which they are effectually prevented either improving their stocks for themselves, or their lands for their landlords, which the landlord himself effectually prevents, by his absolutely ruining and devouring their industry at his own will.

This subject is too long for the extent of a single observation, and will be more particularly spoken to in its place: but I note it here as the proper subject of the place, this being the day when it was introduced into the treaty, and had only this unhappiness, that it came in, as it were, by head and shoulders, without any previous conditional clause. I do not alledge, that
the

the superiorities of the gentry should have been taken away by law, without satisfaction made to the private estates of those from whom they should have been taken; farther is it yet from me to say or think they should be surrendered to the Crown. But certainly had it been left to a Parliament of Great Britain, to have dissolved them upon any just occasion, and, by land or money, have made a full recompence to the proprietors, and so have broken that bond of slavery by which Scotland has been so long depressed, and the poor kept poor, their industry discouraged, and their labour devoured, from that day the nation had dated its liberty and prosperity; plenty, and encouragement to trade and manufactures must have followed; since no people can be supposed to work cheerfully, when they cannot enjoy what they gain or call it their own.

But this was a time of hurry, and people could not look about them as at other times; nor was the liberty of the poor people so near in view as to move that concern in men's minds, which, perhaps were it now to be done, might be otherwise: whether this or the fate of Scotland, I shall not determine, as the cause of the omission: but it is evident the thing is, unhappily for Scotland, omitted, and that great opportunity of extending the love of liberty, as well as the taste of it to all the people, irrecoverably lost.

The rights of the burghs came next to be debated; the whole rights of the boroughs were reserved to them by the Union; nor was any thing offered now to abridge those rights; yet it was thought, it both might be the advantage of the boroughs, and of the nation in general, to have those rights subjected to parliamentary regulations: but some people took an alarm at this, as if the Parliament in time coming would take away the privileges of the royal boroughs: and thus, in this particular time of jealousy, the great advantages which both the burghs of Scotland in particular, and the people of Scotland in general, might have had from parliamentary regulations, were lost and foreclosed, and the door barred against any future alterations to be made by Parliament, were they never so much to the advantage and benefit of the respective parts.

The next thing brought upon the stage was the number and manner of electing the representative; it had been moved in the debates of the third article, but was purposely adjourned to this, as the proper time of entering upon it. It was too long an affair to begin at the end of the day, so it was adjourned to the next *sederunt*, when it took up time enough.

M I N U T E LIII.

Tuesday, January 7, 1707.

Prayers said.

Rolls called.

The twenty-second article of Union again read, and thereafter the first paragraph thereof, in relation to the number of representatives for Scotland in the Parliament of Great Britain, was read over again; and after long debate, a vote was stated, "Approve of the first paragraph of the twenty-second article or not."

But before voting, there were four several protests given in, viz. one by the Duke of Athole, a second by the Earl of Buchan; a third by George Lockhart, of Carnwath; and a fourth by Walter Stuart, Commissioner for the burgh of Linlithgow, all against the said vote, and the several protesters took instruments thereupon.

Likeas, a fifth protest was given in by the Earl of Errol, in these terms: "I Charles, Earl of Errol, Lord High Constable of Scotland, do hereby protest, That the office of High Constable of Scotland, with all the rights and privileges of the same, belonging to me heretably, and depending upon the monarchy, sovereignty, and antient constitution of this kingdom, may not be weakened nor prejudged by the conclusion of the treaty of Union betwixt Scotland and England, nor any article, clause, or condition thereof, but that the said heretable office, with all the rights and privileges thereof, may continue and remain to me, and my successors, intire and unhurt by any votes or acts of Parliament, or other proceedings whatsoever relative to the said Union: and I crave this my protestation may be admitted and recorded in the registers and rolls of Parliament."

And a sixth protest was given in by the Earl Marischal in these terms: "I William Earl Marischal, do hereby protest, that whatever is contained in any article of the treaty of Union betwixt Scotland and England, shall no manner of way derogate from, or be prejudicial to me, or my successors, in our heretable office of Great Marischal of Scotland in all time coming, or in the full and free enjoyment and exercise of the haill rights, dignities, titles, honours, powers and privileges thereto belonging, which my ancestors and I have possessed and exercised as rights of property these seven hundred years. And I do further protest, that the Parliament of Scotland, and constitution thereof, may remain and continue as formerly: and I desire this my protestation to be insert in the minutes, and recorded in the books of Parliament, and thereupon takes instruments."

Which protestations being read, the several protesters took instruments upon their respective protests.

And it was agreed, that the members votes be marked, and that a list of their names, as they shall vote, be printed and recorded, and that, at calling the rolls, the adherers to the above respective protests be marked; as also, the Lord Chancellor was allowed to have his name marked, printed, and recorded as an approver.

Then the vote was put, "Approve the first paragraph of the twenty-second article of Union or not;" and it carried, "Approve." And the Earl of Caithness, the Viscount of Stormount, the Lords Oliphant, Balmerino, Bargany, and Kinnaird; John Brisbane, younger, of Bishoptoun; Sir Humphrey Colquhoun, of Lufs; Sir Patrick Murray, of Auchtertyre; John Murray, of Strowan; James Ogilvie, younger, of Boyne; Alexander Macky, of Palgown; James Sinclair, of Stempster; Alexander Robertson, Alexander Duff, Francis Molison, Robert Scot, Archibald Shiels, Mr. John Lyon, Mr. John Carruthers, George Home, John Bayne, and Mr. Robert Frazer, adhered to the Duke of Athole's protest; and Andrew Fletcher, of Saltoun; Sir Robert Sinclair, of Longformacus; Sir Hugh Cathcart, of Carletoun: the said John Brisbane, younger, of Bishoptoun; Mr. William Cochran, of Kilmaronock; Sir Humphry Colquhoun, of Lufs; Robert Rollo, of Powhouse; Mr. James Carnagie, of Phinhaven; David Graham, of Fintrie; and the said James Sinclair, of Stempster, adhered to George Lockhart of Carnwath's protest; and the Earls of Crawford and Galloway adhered to the Earl of Buchan's protest.

Then the second paragraph of the said twenty-second article, anent the calling of the representatives from Scotland to the Parliament of Great Britain, beginning thus, "And that when Her Majesty," &c. and ending, "That the names of the persons so summoned and elected shall be returned by the Privy Council of Scotland, into the Court from whence the said writ did issue," was again read; and after some reasoning, an explanation was offered to be added after these words, "According to the agreement in this treaty, viz. In such manner as by a subsequent act of this present session of the Parliament of Scotland shall be settled; which act is hereby declared to be as valid, as if it were a part of, and ingrossed in, this treaty." And after farther reasoning, it was moved, "That the way and manner of choosing the representatives for Scotland to the Parliament of Great Britain, be determined, and that a clause to that purpose be ingrossed in this article." And after debate, the vote was stated, "Approve of the second paragraph of the said twenty-second article, as above explained, yea or not."

Whereupon it being moved to delay the said vote till next *federunt* of Parliament, a previous vote was stated, "Proceed or delay;" and it carried, "Proceed."

Then it was put to the vote, "Approve of the second paragraph of the twenty-second article of Union with the explanation above insert, or not?"

And.

And the clause with the explanation being thereupon again read, before voting, the Earl of Abercorn gave in the following protest, viz. “ I protest against the
 “ settling the representatives of Scotland for the Parliament of Great Britain
 “ after a distinct manner, from what might be appointed by the vote approving
 “ of the two and twentieth article ; because I do not see clear into what may be
 “ the consequence thereof.” And thereupon he took instruments.

Then the vote was put, “ Approve or not ;” and it carried, “ Approve.”

Adjourned till to-morrow at ten o'clock.

OBSERVATION XLIII.

The affair of the number of the representative, whether of the nobility or commons, was the contents of the first paragraph now debated ; how, and with what difficulty, this part of the equality was settled in England, has been noted already, and the reasonableness of the proportion duly stated there.

It was indeed urged again here, and several ways disputed, but the disputes here seemed to look another way ; and first it was vigorously opposed, that Scotland should come to any representative at all ; that her whole Parliament should sit in conjunction with the English Parliament, and long speeches were made on that head ; some alledging, that it was dishonourable to Scotland to lessen the number of her representative, while England retained her entire Parliament ; others again attempted to argue against the very uniting of the Parliament at all, though that was foreclosed by the first vote passed on the third article. Others yet went into the merit of the cause, and to examine the just proportion of the representative, and these objected very vigorously, that the numbers were not equal ; the opinions were variously divided, as to the foundation of a true equality, upon what principle an equality of proportions could be raised ; some stating the numbers of people to be the test of the representative ; others the proportion of taxes ; some an estimate from both ; others alledged, there could be no just rule laid down, how an equal proportion of representatives could be made, to balance a kingdom that is not itself equally represented, and that before England had required Scotland to reduce their representative to a just proportion to her, she ought to have reduced her own representative to a just proportion to herself, either in number of people, or payment of taxes, neither of which, as they alledged, were at all regarded in the English representative ; that it was the complaint in England, and several had wrote very warmly upon that subject, that their taxes were not equally levied, or their people equally represented ; and it was unreasonable to talk of proportioning Scotland to a country, whose representative was not in itself equal.

There were several answers given to this ; the present circumstances of both nations in general seemed to be the truest foundation of a proportion, wherein,
 though

though the particular towns in England might not be justly proportioned, yet the general might be equal, and thus, without inquiring whether the parts of the representative were equally chosen in England, it might be a just proportion, in having the whole brought to a state; and if the number for Scotland bore the same proportion to the number for England, as the numbers of people, and wealth or payment of taxes, jointly considered, of the one part bore to the same articles in the other, the equality was then preserved.

It was remembered, that this had been fully debated in England, and that the number was brought up to the highest proportion that England could possibly grant; Mr. Seton, in his speech, printed in the Minutes herewith, folio 360, declared, it was above what Scotland ought to expect, and that it was a full proportion. Upon the whole, this first clause was put to the vote, and passed by itself.

The scruples on the second paragraph, as principally relating to the manner of issuing out the writs for electing the members, when they should be chosen for the Parliament of Britain, I take no notice of here, referring that to the time when a separate act came to be debated in the House for the said election. Of which in its place.

M I N U T E L I V.

Wednesday, January 8, 1707.

Prayers said.

Rolls called.

Whereupon it being moved, “ That the four protests given in the former “ *federunt* by the Duke of Athole, the Earl of Buchan, George Lockhart of Carn- “ warth, and Walter Stuart, ought not to be insert in the minutes, nor to be “ printed :” after some reasoning thereon, the Earl of Marchmont gave in a protestation against the said four protests, and took instruments thereupon. And the Lord Chancellor, the Marquess of Montrose, President of the Privy Council; the Duke of Argyll; the Marquess of Tweeddale, the Marquess of Lothian; the Earl of Mar, Lord Secretary; the Earl of Loudoun, Lord Secretary; the Earls of Sutherland, Rothes, Mortoun, Roxburgh, Dalhousie, Findlater, Leven, Balcarras, Forfar, Kintore, Hyndford, Glasgow, Treasurer Deput, Delorain, and Ilay; the Lords Forbes, Elphinstoun, Ross, Torphichen, Fraser, Banff, Rollo, the Lord Register, the Lord Justice Clerk; Sir John Swinton, of that ilk; Sir Alexander Campbell, of Cessnock; Sir William Ker, of Greenhead; Archibald Douglass, of Cavers; Mr. John Murray, of Bowhill; Mr. John Pringle, of Haining; William Morison, of Prestoungrange; George Baillie, of Jerviswood; William Douglass, of Dornock; Mr. Francis Montgomery, of Giffen; Mungo Grahame, of Gorthie; William Seton,

younger, of Pitmedden; Alexander Grant, younger, of that ilk; Mr. John Campbell, of Mammore; Sir James Campbell, of Auchinbreck; James Campbell, younger, of Ardkinglass; James Halyburton, of Pitcur; Alexander Abercrombie, of Glassloch; Alexander Douglass, of Eaglishaw; Sir Patrick Johnstoun; Lieutenant-colonel John Areskine; John Mure, James Spittle, Sir Andrew Home, Mr. William Carmichael, Sir Alexander Ogilvie, Mr. John Clark, Mr. Patrick Ogilvie, George Allardyce, Mr. James Bethun, Daniel Campbell, Mr. Robert Douglass, Mr. Alexander Maitland, and Mr. Charles Campbell, adhered thereto. And after long reasoning thereupon, the farther debate was adjourned till next *federunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION LIV.

This affair of the four protests being renewed the next *federunt*, I need make no observations upon them; the Earl of Marchmont made a counter protest, as per the minute; but all this did not obstruct the passing the article, nor any other of the proceedings. As to the subject of the four protests, they shall come in in their course.

MINUTE LV.

Thursday, January 9, 1707.

Prayers said.

Rolls called.

Then the debate mentioned in the minutes of the said last *federunt* was resumed, in relation to the four protestations given in the seventh instant by the Duke of Athole, the Earl of Buchan; George Lockhart, of Carnwath; and Walter Stuart; and in relation to another protestation against the same, given in the last *federunt* by the Earl of Marchmont.

And after reasoning, the Lord Balmerino gave in a protest against that given in the former *federunt* by the Earl of Marchmont, and took instruments thereupon; and the Duke of Hamilton, the Duke of Athole; the Earls of Errol, Marischal, Buchan, Eglington, Wigton, Galloway, and Selkirk; the Viscounts of Stormount and Kilfyth; the Lords Semple, Oliphant, Blantyre, Bargany, and Kinnaird; George Lockhart, of Carnwath; Andrew Fletcher, of Saltoun; Mr. William Cochran, of Kilmaronock; Sir Humphray Colquhoun, of Lufs; Robert Rollo, of Powhouse; John Murray, of Strowan; Mr. James Carnagie, of Phinhaven; David Grahame, younger, of Fintrie; Alexander Mackye, of Palgown; Alexander Edgar, Alexander Duff, Francis Molifon, Archibald Shiels, Mr. John Lyon, Mr. John Carruthers, George Home, and Mr. Robert Frazer, adhered thereto.

And

And after some farther debate, it was agreed, that none of the above protests be insert at length in the minutes, or printed, but that they be all recorded and insert in the records of Parliament.

Then the third paragraph of the twenty-second article of Union, beginning thus: "And if Her Majesty, on or before the first day of May next," &c. and ending with these words: "And that Parliaments may continue for such time only as the present Parliament of England might have continued if the Union of the two kingdoms had not been made, unless sooner dissolved by Her Majesty," was read.

And after reasoning thereon, it was moved to add the following clause thereto, viz. "And that the said Parliament of Great Britain shall meet and sit once in three years, at least, in that part of Great Britain now called Scotland."

And after farther debate, there were two states of a vote offered, the first in these terms: "Approve the third paragraph of the twenty-second article, or not;" and the second in these terms, "Add the above clause, or not;" and after reasoning which should be the state of the vote, it was put to the vote, "First, or Second."

And it was agreed, that the members votes shall be marked; and that the list of their names as they vote be printed and recorded, and the Lord Chancellor was allowed to have his name printed and recorded as a voter for the first state, and if that shall carry, as voting among the approvers.

Then the vote was put, "First, or Second," and it carried, "First." Thereafter the vote was put, "Approve the third paragraph of the twenty-second article, or not;" and it carried, "Approve."

Then the rest of the twenty-second article of Union was read; and after some reasoning and reading of the oaths to which it relates, an overture was given in for an additional clause for explaining the word "Limitation," mentioned in the oath appointed to be taken by statute 13 W. 3. cap. 6.

And another overture was given in, for excoeming persons in any office or employments in Scotland, from taking the oath of abjuration mentioned in the said article.

And a third overture for a clause, That so long as the act appointing a sacramental test shall continue in force in England, all persons in publick trust within the limits of Scotland, shall swear and sign a formula thereto subjoyned, in manner and under the penalties therein mentioned.

And after reading the said three overtures, and reasoning thereon, a vote was stated, "Approve of the twenty-second article of Union as explained, or not."

But before voting it was agreed, that notwithstanding of the said vote, and that the article shall be thereby approven, it shall nevertheless be intire and free thereafter to proceed on the said overtures next *federunt* of Parliament, and to the Parliament to give their sentiments thereon.

And it being thereupon moved to delay the vote for approving the article till next *feederunt*,

A previous vote was stated, "Proceed, or delay;" and it carried, "Proceed." Then the vote was stated, "Approve, or not."

But before voting, it was agreed, that the members votes be marked, and that the list of their names as they vote be printed and recorded, and the Lord Chancellor was allowed to have his name printed and recorded as an approver.

Thereafter the vote was put, "Approve the twenty-second article, as explained, or not;" and it carried, "Approve."

Adjourned till to-morrow at ten o'clock.

OBSERVATION LV.

The debate about the protestations of the four gentlemen above mentioned, ended now, after some heat, in ordering the protestations to be recorded and enrolled in the registers of Parliament, which satisfied all parties.

It was very much inquired after, why these protestations should not be made public, since the gentlemen that made them did not concern themselves to conceal them; some alledged, the Parliament behoved to enter into a confutation of the matter of the protests, if they made them public, and either to approve or censure them: others thought, the publishing them might do harm among the people; and that since the Parliament were now just at the end of the work, it was better to keep them all easy, than start any new dispute. So the protests were not published, but entered in the rolls or registers office of the kingdom of Scotland, from whence the true copies of them are taken, and added in the Appendix to this work, No. K. L. M. N.

Then they went upon the debate of triennial Parliaments, included in the third paragraph of the twenty-second article, and some were very urgent for a new clause, as in the minute; but when the gentlemen were put in mind, that by the very words of the paragraph, it was expressly provided, that the first Parliament of Great Britain could sit no longer than the next ensuing session, being the termination of the English Parliament then in being, and that by the act then in force in England, called the Triennial Act, every Parliament was to terminate in three years; the thing appeared already settled, and so admitted no farther debate, that law being, among others, continued by the twenty-fifth article; of which in its order.

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It was very strange, that notwithstanding the debates of this day, and the exprefs provision of the treaty, many people flattered themselves with the notion of the Parliaments continuing to fit; nor could it be beaten out of their thoughts in England as well as in Scotland, till they saw the very preparations making for a new election.

The propofal for explaining the feveral oaths to be taken by the members of the British Parliament was opposed, not that there could be any concealed oath that was not known to the members; and the particular oaths of Allegiance, the Declaration, and Abjuration, were laid before the House: but the gentlemen who thought fit to oppose it, did it on this foot, that they thought the articles fo exprefsly directed to the particular acts in which the said oaths were contained, and in which no other oaths were expreffed, that the acts being named at large and referred to, and the custom and usage of Parliament known and public, there could be no poffible fraud, mistake, or misconstruction, but that it was this way as exprefsly and directly pointed out, as if it had been repeated in the articles word for word.

The exception about the limitation, mentioned in the 13 William III. cap. 6, referring to the qualification of the fucceffors to the Crown, alfo will come to be fpoken to again in its place.

The overture about the qualification of persons to offices of trust has been fpoken to more than once already, and needs no farther obfervation at this time.

MINUTE LVI.

Friday, Jannary 10, 1707.

Prayers said.

Rolls called.

Address of citizens, burgesfies, trades, and other inhabitants within the town of Perth, fubscribers of the same, againft an union with England in the terms of the articles, given in and read.

Then the overture for exeeming persons in any office or employment in Scotland from taking the oath of Abjuration, mentioned in the twenty-second article of Union, was again read; and after some reasoning thereon, the overture was paff from.

Thereafter the overture for additional claufe to the said twenty-second article, for explaining the word limitation, mentioned in the oath appointed to be taken by stat. 13 W. 3, cap. 6, was again read in thefe terms: " Likeas it is declared, " that, by the word limitation in the oath mentioned in the above article, is

“ only understood entail of the succession, and not the conditions of government upon the successor; and that all persons of Scotland, who may be liable to take the said oath, swear it in that sense only.”

And after reasoning thereon, the vote was put, “ Add the said clause or not,” and it carried, “ Not.”

Then the third overture for a clause to be added to the said twenty-second article, mentioned in the minutes of the last *federunt*, was again read in these terms:

“ And farther, it is agreed, that so long as that part of the 2d act, anno 25, ch. 2d, appointing a sacramental Test, shall stand, and continue in force in England, all persons in public trust, civil or military, within the limits of Scotland, shall swear and sign the Formula under written within six months after the commencement of the Union: and all who shall be admitted to any public trust thereafter, shall, before exercising their said office of trust, swear and subscribe the same, to be administered by the Lords of Privy Council, or any one of them, under the like penalties and disabilities as are provided by the foresaid act made in the Parliament of England.”

Follows the Formula, “ I A. B. do sincerely and solemnly declare, in the presence of God, that I owne the Presbyterian government of the church, as by law established in Scotland, to be a lawful government of the church; and that I shall never, directly nor indirectly, endeavour the subversion thereof, nor any alteration in the worship, discipline, or government of the said church, as by law established. So help me God.”

And after reasoning thereon, a vote was stated, “ Add the clause or not;” but, before voting, it was agreed, that the members votes shall be marked, and that a list of their names as they vote be printed and recorded.

Then the vote was put, “ Add the clause or not,” and carried, “ Not.”

Thereafter the twenty-third article of Union was read; and, after reasoning thereon, the farther debate was adjourned till the next *federunt* of Parliament, to be then proceeded upon previous to all other business, except a proclamation to be then brought in, for propagating the dyet for the choosing of collectors and clerks of the supply in the several shires of this kingdom, and continuing the last collectors and clerks for the term of Candlemas next.

The Committee appointed to meet to morrow at ten of the clock in the usual place.

Adjourned till Monday next at ten o'clock.

OBSERVATION LVI.

This whole day was taken up in debating the subject of the word limitation, mentioned in that famous act of 13th W. 3. in England: some had alledged, that, by that act, if any person took upon him the Crown of England, unqualified

lified by any of the articles therein named, the allegiance sworn was not due, and that the subject would be thereby obliged, by his oath, to oppose such successor; others had declared the limitations to mean nothing but an entail of the succession by Parliament, without any conditions of government; and upon these seeming uncertainties, the persons that moved this clause demanded an explanation; but it was upon the whole not thought proper to undertake any explanation of an act, which, as it stood, seemed sufficient to settle the Protestant succession, and could not hurt the present scheme, since, so far as it might oppose any branch of the Union, it was provided against in the twenty-fifth article; and to put any construction upon it, which might be inconsistent with the English affairs, would be but to lay a stumbling block in the way of the Union; and therefore this project was also rejected.

The affair of the sacramental Test had been mentioned before, but never so plainly moved in Parliament as now; it had been moved in the commission of the assembly, and great endeavours had been used to bring the ministers in as objectors; and a formula like this had been proposed there, as is noted already, but it failed on their side: the ministers were, in the first place, not willing to meddle with things of that nature. And, secondly, as to the Formula, many of the ministers gave their opinion, that they did not approve of imposing any oath, or acknowledgment of the church, as a test of civil employment; and to have an oath of acknowledgment to the church of Scotland be a counter test, was a tacit approbation of the method practised in England, which they detested.

Others again were of the opinion, that the subjects of Scotland were already, by the Union, exempted from the sacramental Test in England by two several clauses; 1. In that the subjects of both kingdoms were, by the fourth article of the Union, to enjoy equal privileges and encouragements; and, 2. That, by the act for the security of the church government, no oath was to be imposed upon the members of the church of Scotland, contrary to their principles. In arguing the first of these, it was alledged, That if a subject of Scotland taking the sacrament in the national established church of Scotland shall not be capable of any place of preferment under the government of Britain, as well as a subject of England taking the sacrament in the national established church of England, then do not the subjects of either kingdom enjoy equal privileges. And lastly it was argued, that, by the last article of the treaty, the sacramental Test might be understood to be actually repealed, as contravening the equalities of the treaty.

Upon these debates it was thought, that to meddle with this matter might do much more harm than good; and therefore it was first let fall without doors, and now rejected within, and the article passed without it.

MINUTE

M I N U T E LVII.

Monday, January 13, 1707.

Prayers said.

Rolls called.

Then the twenty-third article of Union was again read, and after some reasoning, an overture was given in for adding a clause thereto in these terms: "With this exprefs provision, that none of the Peers of Scotland shall have personal protection within Scotland for any debts owing before the commencement of the Union."

As also another overture was given in for adding a clause thereto in these terms: "That all the Peers of that part of Great Britain now called Scotland, qualified according to law, shall, after the Union, have right to sit covered in the House of Peers of Great Britain, notwithstanding that the right to give vote therein belongs only to the said sixteen Peers, who are to be summoned in the manner appointed by the preceeding article."

And after reasoning upon the said two overtures, and upon two separate motions, the first in relation "to allowing all the Peers of Scotland to sit upon the tryal of the Peers of Britain;" and the other in relation to their precedence according to their patents, the vote was stated in these terms: "Approve the twenty-third article of Union, or alter, reserving intire the consideration of the above two overtures, and whether the same shall be added to the article," and it carried, "Approve."

Then the first overture for the clause, in relation to personal protection, was again read; and after debate, it was put to the vote, "Add the clause or not," and it carried, "Not."

Thereafter the second overture, or a clause, "in relation to all the Peers of Scotland, their sitting covered in the House of Peers of Great Britain," was again read; and after reasoning, the vote was put, "Add the clause or not."

But before voting, it was agreed, that the members' votes shall be marked, and that the list of their names as they shall vote be printed and recorded.

Then it was put to the vote, "Add the clause or not," and it carried, "Not."

Adjourned till to-morrow at ten o'clock.

OBSERVATION LVII.

The debates of this day related wholly to the privileges of the Peers, and particularly to the differing privileges of those who were to sit in the Parliament of Great Britain, from those who were not, that is, for the time they were to sit: some would have it, that those that did not sit should have no manner of privilege, any more than as a commoner, till such time as they should come to sit by election in the House of Lords, and then those that were formerly sitting Peers, or Parliament Lords, became divested of all their privileges, unless they were of the new election. Some thought the gentlemen who were of this opinion moved it chiefly to bring the Peers into a distaste of the Union, (all other hopes being now almost over, as to the Union on the side of Scotland;) and that the nobility being thereby, as it were, degraded of their characters, would think it too great a hardship, and so fly off from the treaty in general, or fly to some extreme on the other hand, making some demand which the Peers of England would not submit to.

Others, it was thought, had this farther view in the proposal for levelling the Scots nobility that were not sitting Peers with the Commons, that they designed to propose the unfitting Lords to be capable of being elected into the House of Commons, and sitting in the Lower House.

This was received with some resentment, as a great dishonour to the Peerage of Scotland, by some people, and especially without doors; the English were upbraided with endeavouring to have it so, in order to lessen the character of the nobility of Scotland: but in this they wronged their own judgement, as well as the English nation, since, had such a thing been offered, it had been rejected in England as unequal and injurious to the equality we have been so often speaking of, as the ground of the whole treaty: nor could it have been consented to in England, since it had been bringing the Scots nobility into too great an influence of parliamentary affairs, when sixteen being already judged sufficient; there might be now sixty-one Scots Lords in every Parliament, viz. sixteen in the House of Lords, and forty-five in the Commons; which, when any thing relating, especially to the nobility, or to the privileges of one House against the other, might turn the balance to this or that side, to the manifest injury of the constitution, which now consists in the equality of powers and privileges, and the due limits set between each kind, to prevent their encroachment upon one another.

But the wisdom and modesty of the nobility in Scotland prevented this; and the article had been so well considered at London, and was so warily worded, that there was room for little or no exception on behalf of the Peers; for,

for, 1. As to privileges, the sixteen Peers, or the Peers of Parliament for the time being, had effectually all the privileges of the Peers of England in the utmost extent, and all the privileges they ever after could receive, could not be received but in common with the said sixteen; nor could any exception be made to it, whether in the cases of parliamentary privileges, or the personal privileges in case of trying of Peers, or being tried as criminals.

2. The remainder of the nobility enjoyed privileges every way equal to the English nobility, excepting only, as it is in the article, the rights of sitting in the House of Lords, and the privileges depending thereupon.

But the great debates of this day began upon this clause, the rights and privileges of the Scots nobility who were not Lords of Parliament for the time being.

And first it was moved to be excepted, that the said Lords should not enjoy the privilege of personal protection in cases of debt, as is the privilege of the Peers of England: some had alledged they pleaded for the honour of the Scots nobility in this head, that it was below their dignity to be protected by their titles against their just obligations, and a meanness they had all along contemned, to plead the privilege of their House against the proceedings of the law; that it was not agreeable to the true intent and meaning of parliamantary privileges, that this privilege should extend to those that did not sit in Parliament, since the privileges of Parliament of this kind were at first appointed to provide against any impediment to sitting in Parliament, that the members of either Houses should on no pretence whatever be hindered from the service of their country in Parliament: and this could not be of any signification in those Peers that were not sitting members of the House of Lords; that for the Scots Peers to claim protection for their persons against their just debts, was more than levelling their persons with the Commons, for it was setting them below the Commons, since no man would then trust the nobility in matters of debt without some commoner being security for them, against whom they might have remedy at law.

These objections had no little weight, and this privilege of the persons of the Peers in cases of debt seemed, at first view, very grievous to Scotland, and some of the Peers themselves looked upon it as dishonourable.

But when it was calmly considered and answered, that the persons of the Peers in England are accounted sacred on several accounts, besides those of debt; that even the Government cannot proceed against a Peer, but in an extraordinary way; that no warrant can be executed in the house of a Peer, but by three justices of the peace: and that there are several necessary exemptions to the peerage which this privilege preserves, besides that of debt; and which, as they are hereditary counsellors of the nation, and have frequently

great trusts committed to them; and both are, and ought to be a great and ready assistance to the public good, upon sudden emergencies, which, upon pretence of arrests and attachments for debt, may be prevented. That as to the justice of personal protection in case of debt, it was answered, their estates were not protected in several cases, only their persons; and it was as reasonable to pursue the estate as the person of the debtor, and especially in Scotland, where the law reaches the effects of the debtor, though on personal bonds. That as to the credit and honour of being protected against just debts, it would be much more for the honour of the Scots nobility that they gave all men notice that they despised the advantage of their personal credit, and since they could not sue a nobleman, they might decline trusting him and welcome; and for those that were trusted, though they could not be sued, it was yet greater reputation to them, that the principle of honour in them was so well known, that men would depend upon their honour, where they could not otherwise oblige them to make payment.

Upon these and the like considerations this motion was rejected, and the Scots nobility, by virtue of that clause in the twenty-third article, "And shall enjoy all other privileges of Peers, as fully as the Peers of England now do, or as they, or any other Peers of Great Britain, may hereafter enjoy the same," are protected in their persons and estates as the Peers of England are, whether they (the Scots Peers) are Peers of Parliament at that time or not.

The next dispute was a privilege demanded for the Peers of Scotland, that they, not being of the Parliament at that time, might sit in the House of Lords covered, &c. but not have any right to vote. This was urged many ways, either that they might have a gallery to sit in as spectators, or that they might stand behind the Throne, as the eldest sons of the English Peers may; and either of these it was thought might have been obtained. But the main design of bringing them in to be present at debates, to argue, speak and debate upon the several matters that should be brought before the House. This was opposed upon several accounts; first, As it was thought impracticable, and an evasion of the House of Peers as a house, and what could not be obtained if pushed at. Secondly, As it was thought an insignificant thing to have persons to sit and argue who had no power to determine. And thirdly, As it would be far from any honour to the nobility of Scotland to be admitted into debates, where they must always have the mortification of being distinguished, and like mere solicitors, whose place is without the bar, be allowed to talk, and yet have no signification in a question; but if the House divided, be obliged to stand together like mutes in an alphabet, who have no sound in the expression of a syllable.

And thus ended the debates of this great point, the privilege of the peerage, and the article received no manner of alteration.

M I N U T E LVIII.

Tuesday, January 14, 1707.

Prayers said.

Rolls called.

Then the twenty-fourth article of Union was read, whereupon a memorial was given in for the Lyon King at Arms, in relation to his precedency, which being read, after reasoning, it was moved, That the rank and precedency of the Lyon King of Arms be left to Her Majesty, and that next to these words in the said article, viz. "And that the quartering the arms," these other words, viz. "And the rank and precedency of Lyon King of Arms of the kingdom of Scotland," be added.

And it being also moved, That his rank should be insert in the said article, to be immediately next after, "Garter principal King of Arms in England;" after debate it was put to the vote, "Add the above words," "That the rank and precedency be left to Her Majesty, or insert the rank and precedency," and it carried, "Add the words."

Which being accordingly added, there was another clause offered to be added to the said twenty-fourth article, in these terms, "And the crown, scepter and sword of state, records of Parliament, and all other records, rolls, and registers whatsoever, both publick and private, general and particular, and warrants thereof, continue to be kept as they are, in that part of the united kingdom now called Scotland, and that they shall so remain in all time coming, notwithstanding of the Union;" which being read, the same was agreed to be added, and was accordingly subjoyned, and the article as amended read over.

Then the vote was put, "Approve of the twenty-fourth article of Union as amended or not," and it carried, "Approve."

Thereafter the twenty-fifth article of Union was read, and after reasoning thereon, the vote was put, "Approve of the twenty-fifth article or not," and it carried, "Approve."

Moved, that a dyet be appointed for considering the manner of electing the representatives for Scotland to the Parliament of Great Britain, and agreed that the motion be entire next *federunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSER-

OBSERVATION LVIII.

The debate of the rank and precedency of the heralds, and of the quartering of arms, the standards and colours, was a thing of no great consequence, nor could it be referred to any body better than to Her Majesty; and therefore the dispute of this was not long.

The keeping the honours, as they called them, in Scotland, viz. the crown, scepter and sword, was indeed a material point, at least as it had been made so by some gentlemen, who had pretended to alarm the common people with apprehensions, that they were to be carried away to England as tokens of surrendering the sovereignty of Scotland to the English; but as no such thing was ever thought of in England, the proposal met with no opposition; and some people thought, that not only the ensigns of royalty, but the royalty itself, sovereignty and government of Scotland, remain as intire, as the same things respecting England remain intire, either kingdom voluntarily consenting to an union of power, an union of government, and of all things needful to preserve both.

The last article respecting the abrogation of all laws, which might be supposed to contravene the treaty, met with no opposition at all.

And thus this weighty affair was finished on the side of Scotland, contrary, I believe I may say, to the expectation of all the world, who were amazed to see a thing of that consequence, and with difficulties which seemed in themselves insuperable, so successfully brought to a close; a thing which had been so many times attempted in vain; a thing which had so often been set about, rather in a show than design of uniting; and I think I may say, a thing that never was heartily set about on both sides before.

It had held the Parliament of Scotland a long, a troublesome, a dangerous, and I must own a very uncomfortable debate, step by step, and article by article, from the third of October to the fourteenth of January, with very little intermission; for never was business closer applied, more strenuously pushed, or more vigorously opposed.

The work that remained (I mean to the Parliament) was but short, and I shall do little more than relate the fact, which will be found in the minutes of Parliament; and I shall set them down in their order, omitting what relates to private business as not material here, since I can very ill spare room for any thing but what relates immediately to the business, and agrees with the title.

M I N U T E L I X .

Wednesday, January 15, 1707.

Prayers said.

Rolls called.

Draught of an act ratifying and approving the treaty of Union of the two kingdoms of Scotland and England, given in and offered to be read.

Whereupon it was moved, That the Parliament should first proceed to the constitution of the manner of electing the representatives of Scotland to the Parliament of Great Britain, and either now to determine that matter, or to appoint a dyet for that end.

And after debate the vote was stated, “ Proceed to the ratification of the “ treaty of Union, and act for Security of the Protestant religion and Presby- “ terian church government, or to the constitution of the manner of electing “ the representatives for Scotland to the Parliament of Great Britain.”

But before voting it was agreed, that in case it shall carry to proceed to the ratification, the Parliament will immediately, after passing the act of ratification, proceed to the constitution of the manner of electing the representatives for Scotland.

Then the vote was put, “ Proceed to the ratification or constitution,” and it carried, “ Ratification.”

Thereafter the draught of the act, ratifying, approving, and at length narrating the articles of Union as enlarged, explained, and amended, and the act for security of the Protestant and Presbyterian religion church government, was read.

And after some discourse, it was put to the vote, “ Mark a first reading on “ the act or not,” and it carried, “ Mark a first reading;” and accordingly a first reading was marked thereon.

Adjourned till to-morrow at ten o'clock.

O B S E R V A T I O N L I X .

The articles were now gone through, and finished as before; yet there remained two things to be done in order to completing the affair, so far as referred to Scotland; one was to pass the act of Security for the Presbyterian church government in Scotland, which was to be ingrossed and inserted in the body of the act of Union, and made a part of it; and then to pass in Parliament some subsequent acts, which being previous to the treaty, or depending upon it, ought to be finished in Parliament before the Union, and would be of course confirmed by it, by virtue of the eighteenth article, continuing

and confirming all laws and acts then in force, except such only as came within the reach of the twenty-fifth article, viz. such as were contrary to, and inconsistent with the Union.

These were, 1. An act to settle and determine the constitution of the manner of electing the representatives for Scotland in the ensuing Parliament of Great Britain. 2. An act for plantation of kirks, a thing long wanted in Scotland; together with the valuation of teinds or tithes, and about the reversion of kirk lands. 3. For the settling the public debts, disposing and appointing the equivalent; that is, the payment of it according to the true intent of the treaty, adjusting the affair of the African Company, &c. which was now under reference to a Committee.

These things were necessary adjuncts to the treaty; but as the act of Union itself was the foundation on which all these things were depending, and that there was a great deal yet to be done to it, viz. to be ingrossed and passed into an act, and sent to London; the interval of time, after the main affair should be dispatched, was thought the proper season to settle, pass and enact all these things, wherefore they resolved to go first to work with the act, and that no time might be lost, the act had been drawing up, with all the amendments to every article, as they had passed in the House, and was ready to present to the House this day; and, as per the minute, obtained a first reading, all other business being delayed.

M I N U T E LX.

Thursday, January 16, 1707.

Prayers said.

Rolls called.

Draught of the act, "Ratifying and approving the treaty of Union of the two kingdoms of Scotland and England," read a second time.

Then the act "For Security of the Protestant religion and Presbyterian church government," which is insert in and ratified by the above act, was touched with the royal scepter by Her Majesties High Commissioner in the usual manner.

Representation and petition of the commission of the General Assembly of the church of Scotland given in and read.

And after reasoning upon the act and representation, the vote was stated, "Approve of the act or not."

And before voting, it was agreed, that the members votes be marked, and that the list of their names as they vote be printed and recorded, and the Lord High Chancellor was allowed to have his name marked, printed and recorded as an approver.

Likeas

Likeas a protest was given in for the Duke of Douglass, and read in these terms: “ We undersubscribers, tutors, testamentars to his Grace the Duke of Douglass, whereof three is a quorum, in name and behalf of the said Duke; forasmuch as his Grace the Duke of Douglass, and his heirs, has, by their investitures and honours of the estate of Douglass, (in consideration of the great and faithful services done and performed to this crown and kingdom by his ancestors) provided to them the honour of leading the van of the arms of Scotland in the day of battle, the carrying of the crown of Scotland in processions, and giving the first vote in all parliaments, councils, or conventions in Scotland; and sicklike, by the twentieth article of Union, all heretable offices are reserved to the owners as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding of this treaty; whereby his Grace’s foresaid offices and privileges, by parity of reason and justice, ought to be preserved. Yet, seeing the intire union of the two kingdoms will be attended with an union of their arms, crowns and councils, whereby his Grace’s offices and privileges may seem to be of more difficult explication, his Grace’s tutors and guardians, in his pupillarity, do now, before the treaty be ratified in this Parliament, judge it indispensibly their duty, for his Grace’s interest, in his name and theirs, undersubscribers, as tutors to him, with all humility, to protest, that the said treaty may not, in any sort, prejudice the honours and privileges belonging to his Grace and successors, which have been the glorious rewards and marks of honour to the illustrious families of Douglass and Angus for their loyalty, great and faithful services to the crown and kingdom of Scotland; and that this their protest may be received and marked in the minutes and records of Parliament.”

As also, another protest was given in by the Duke of Hamilton, in these terms: “ Forasmuch as there is a protestation made in behalf of the Duke of Douglass, in relation to his pretensions of having the first seat and vote in Parliament; which protestation being altogether groundless, therefore I James Duke of Hamilton do protest in the contrary, in regard that none of the said Duke of Douglass his predecessors has, or enjoyed any such privilege since there were Dukes or Marquisses created in Scotland, and my predecessors were dignified with patents of Marquiss and Duke successively long before he or his predecessors had the same. Secondly, William Earl of Angus, the said Duke his predecessor, did, upon the fourth day of June one thousand six hundred and thirty-three years, resign all right and claim that he or his predecessors or successors had, or should have, to that privilege of first sitting and voting in Parliament, in His Majesties hands; which resignation is registrate in the books of Parliament the twentieth day of the said month of June one thousand six hundred and thirty-three years. Thirdly,

“ I and my predecessors have been in continual possession of having the first
 “ seat, and of first voting in Parliament, and have been first called in the rolls
 “ of Parliament past memory of man: and upon this protestation I take instru-
 “ ments, and desire the same to be insert in the records of Parliament.”

And the several protestors, or ingivers, took instruments upon their respective protests.

Then the vote was put, “ Approve of the act, ratifying and approving the
 “ treaty of Union of the two kingdoms of Scotland and England, yea or not,”
 and it carried, “ Approve.”

And the act was thereafter touched with the royal scepter by Her Majesties
 High Commissioner in the usual manner.

The Committee appointed to meet to-morrow at nine of the clock.

Adjourned till Monday next at ten o'clock.

OBSERVATION LX.

The act for the Union admitted now no debate, the articles having been voted and approved one by one, as is seen at large; so there was nothing to do but to put the question upon, and to make it a second reading, according to the custom of the Parliament of Scotland.

The church act was to be inserted in the body of the act of Union as a part of the treaty, and yet it was to be passed into an act by itself, and touched by the scepter in form as an act of Parliament, before the act of Union was passed, and it was accordingly done so, as per the minute; so that the act for the establishment of the church of Scotland received a double sanction in this Parliament; it was not enacted singly by the Union as an effect of the treaty, but was established by a law before the Union, and again repeated in the body of the treaty of Union, as a ratification only, or recognition of what before was an established law of the kingdom.

Of the first representation and petition of the commission of the General assembly, I have spoken already at large: there was some little debate about it now, but it made no alteration in the act of the church, but it passed as it had been before settled.

However, that it may be seen what addition was made to the first overture, I have added both the overture as first given in, and the act as it was passed in Parliament; and what more was required will be seen in the representation of the commission: all which are added in the Appendix.

It is to be observed here, that there was a second representation and petition presented to the Parliament this day from the commission of the General Assembly, upon the following occasion.

The

The church of Scotland having been effectually secured by an act of parliament, called The Act of Security, &c. and which was made a part of the act of Union, as appears in its place, there was a clause added at the end of the act of Union, in these words: “ Declaring nevertheless, that the Parliament
 “ of England may provide for the security of the church of England as they
 “ shall think expedient, to take place within the bounds of the said kingdom
 “ of England, and not derogating from the security above provided for establishing the church of Scotland within the bounds of this kingdom,
 “ which shall not suspend or derogate from the force and effect of this present
 “ ratification, but shall be understood as here included, without any necessity
 “ of any new ratification in the Parliament of Scotland.”

This was called an establishing the church of England with the hierarchy of episcopacy and ceremonies of the church of England, by the Presbyterian church of Scotland; I have, for the more direct understanding this part, given the said representation and petition in the Appendix, N^o. K x. with the reasons at that time given for it, to which I refer.

I could not suffer the two protestations of the families of Douglass and Hamilton to be omitted in the minutes; though with respect to the length of this work, I have industriously shuned private affairs; but the honour of leading the van of the Scots armies, which these families contended for, might give both the kingdoms a remembrance of what the Union has delivered them from, since these armies were only such as within the bowels of this poor island fought with, and shewed their courage in butchering and destroying one another; a thing, which, it is hoped, is now effectually put an end to.

The affair of war is now carried abroad, against the ancient professed enemy of all Protestant powers, where the English and Scots valour need no more contend, but unite together to overthrow their foreign adversaries; a contest, which if they had been united in, as they are now, in former ages, perhaps Europe had paid honours enow to us before now, as to the greatest nation in the world.

This is the famous day to Scotland, in which she set her signal to the Union of Great Britain: we shall now make a short digression, to inquire how it went on in the Parliament of England, and what reception it met with there, which, because it is but very short, I shall bring in here, and adjourning the minutes a little, shall return to them again in their course.

Of the Act of Ratification, after it was past in the Parliament of Scotland, till the Exemplification of it was returned from the Parliament of England.

THE Parliament of England being to be the finishers of this great work, and the Parliament of Scotland not meeting till it was late enough in the year, viz. the second of October, the English Parliament were, by small adjournments, put off as long as it was possible the public affairs of England could permit, and longer than any Parliament since the Revolution, had been delayed, not having met till the third of December, when the public business admitting no more delay, they came together.

It is worth observation, that this was a strange concurring juncture, a critical moment, as it may be called, in which Providence seemed to bring every thing together that could propagate the great affair of the uniting the kingdoms; and which it may not be improper to notice in this place, because at the opening of this session of the English Parliament, the Queen herself took notice of it.

The campaign abroad had ended in the most glorious manner for the Confederates, that could be desired, and above all manner of expectation; the French had received three blows that very summer, enough to overthrow the greatest empire in the world: One under the conduct of the Earl of Peterborough, with the English forces and fleet in the Mediterranean, relieving the city of Barcelona, and causing the French, with the loss of all their cannon and ammunition to raise the siege: one under the command of the Duke of Marlborough, being the great victory at Ramillies in Flanders: and the last under the command of Prince Eugene of Savoy, at Turin. In all which actions, it was calculated, that the French lost slain in action, taken prisoners, deserted, and dead of their wounds, above 100,000 men, with 300 pieces of cannon and mortars, and other spoil without and indeed past all manner of account.

There are two reasons why I take this opportunity here, and both are introductory to the present affair.

1. The people of England by these great successes, made glad and easy in hopes of a speedy peace, were prepared to grant almost any thing which the Queen discovering a passionate desire, to see her two jarring, long-contending kingdoms united, the Parliament came together with a temper disposed to yield (as far as reason could suggest) more, than perhaps at any other juncture could have been expected.

2. The enemies of the Union, whether abroad or at home, received most sensible discouragement in their designs against it; and first abroad:

There could be but two kinds of enemies abroad to the Union, and these were the French or the Dutch.

As to the Dutch they were now in so close a confederacy with England, and their whole concern as to the war, was so involved together, that there was no room for any public differences about it. Nor indeed could the Dutch have put in any rational objection against it; to either side, if the interest of Holland clashed with the Union upon any sort, it was only with respect to trade; and though they might perhaps on that score have some reason to be jealous of it, as what might some time or other clash with them in the fishing and Eastern trades, yet they could have no pretence to concern themselves publicly and nationally against it: and as for private negotiations to prevent it, though as I have been informed, they were once or twice considering of it, yet they never thought fit to meddle: whether it was that they saw no prospect of succeeding in it, or that they were not willing to do any thing at that time that should give an uneasiness to England or not, I shall not pretend to determine.

2. The French, these had no doubt stomach enough to it, and had tools enough to work with, and I must own, had they but made the least attempt, they had effectually broke up the treaty at that time: but God had tied their hands and cut them out other work; they were beset and embarrassed on every hand, and had no leisure to look this way, nor if they had had leisure, had they men or money then to spare, being employed with all their power and diligence, to recruit their troops, and restore their own affairs.

And I cannot but record this as a singular hand of heaven in the affair of the Union: for though, when the next year the French did make an attempt upon Scotland, when their affairs being better after their success in Spain, they thought themselves in a condition for it, they found it too late, and that the opposers of the Union were settled and would not appear for them, yet I must say, had they made that attempt at the time of this treaty, whatever they might have done in the end towards opening the eyes of the people, and restoring them to their senses, they had certainly put all the nation into the utmost confusion for the time, and effectually have broken up the treaty.

The Parliament of England was now met, December 3, 1707, and the Queen opened the session with the following speech, which I insert here, as it refers to the treaty of Union, and also as it hints at the successes I mentioned above.

*The Queen's Speech to the Parliament of England,**On Tuesday the third of December, 1706.**My Lords and Gentlemen,*

“ I hope we are all met together at this time, with hearts truly thankful to Almighty God, for the glorious successes with which he has blessed our arms and those of our Allies through the whole course of this year, and with serious and steady resolutions to prosecute the advantages we have gained, till we reap the desired fruit of them, in an honourable and durable peace.

“ The goodness of God has brought this happy prospect so much nearer to us, that if we be not wanting to ourselves, we may, upon good grounds, hope to see such a balance of power established in Europe, that it shall no longer be at the pleasure of one prince to disturb the repose, and endanger the liberties of this part of the world.

“ A just consideration of the present posture of affairs, of the circumstances of our enemies, and the good disposition of our Allies, must needs excite an uncommon zeal, and animate us to exert our utmost endeavours at this critical conjuncture.

Gentlemen of the House of Commons,

“ As I am fully persuaded you are all of this mind, so I must earnestly desire you to grant me the supplies sufficient for carrying on the war next year, in so effectual a manner, that we may be able to improve every where the advantages of this successful campaign: and I assure you, I shall make it my business to see all you give apply'd to those ends with the greatest care and management.

My Lords and Gentlemen,

“ In Pursuance of the powers vested in me by act of Parliament both in England and Scotland, I have appointed Commissioners to treat of an Union between the two kingdoms; and though this be a work of such a nature as could not but be attended with great difficulties, yet such has been the application of the Commissioners, that they have concluded a treaty, which is at this time before the Parliament of Scotland; and I hope the mutual advantages of an entire Union of the two kingdoms will be found so apparent, that it will not be long before I shall have an opportunity of acquainting you with the success which it has met with there.

“ Your meeting at this time being later than usual, I cannot conclude, without earnestly recommending to you to give as much dispatch to the public affairs, as the nature of them will admit; it being of the greatest consequence that both our friends and our enemies should be fully convinced of your firmness, and the vigour of your proceedings.

I shall not meddle here with any of the proceedings of the Parliament of England in their own affairs, they having no relation to the case in hand; only make this short remark; that, notwithstanding the lateness of their coming together, the occasion of which was known to be to attend the debates of the Parliament of Scotland, they fell so heartily about their business, and went on so smoothly in every thing, that they got the land-tax bill past rather sooner in it than it used to be in any former Parliaments; and before Christmas, had not only the land tax but several other of their public funds settled, and in an unusual forwardness, which is a confirmation of the extraordinary disposition, which, as I have noted, appeared in England at this time, and of which we shall see farther instances presently.

It was the sixteenth day of January, that the ratification of the Union passed in Scotland; on the eighteenth the Duke of Queensberry dispatched it away by an express. There were several gentlemen who contended for the honour of carrying it up to the Queen, but to avoid giving any offence, it was sent by an ordinary courier or express.

As soon as it came to the Queen, Her Majesty caused it to be laid before both Houses, that though it was first to pass one House, and then the other, yet the particular houses might be upon the several articles together.

Great was the expectation in both kingdoms from these debates of the English Parliament: and in Scotland, the fears on one hand, and the hopes on the other, are not to be expressed, but the House of Commons deceived both sides.

On the twenty-second of January, it was read in the House of Commons; and, as the best way to go through the whole, they ordered every article to be read and voted upon singly in a committee of the whole House.

It may, perhaps, surprize posterity, when the debates, disputes, heats, and long speeches, which these articles occasioned in Scotland come to be read, and they shall come to understand that, in the House of Commons in England, every article passed one by one after the sedatest reading, calmest considering, and leisurely proceeding, without any opposition, amendment, or alteration, no not in the least.

There was some small opposition against it in general in the House of Lords, but no amendment offered to any particular article, nor any thing considerable objected: what was objected seems generally contained in some protests, and reasons given in by the persons protesting against it, which were but few, and not much noticed.

At the same time that the articles were reading in the House of Commons, an act was also prepared by the Bishops, to whom that affair was referred, for security of the church of England, to be passed in the Parliament, and then
ratified

ratified, by being inserted in the body of the act of Union, as the act for the security of the church of Scotland had been done before.

This had been so far provided for by a blank left in the treaty of ratification, to which, so far as it concerned the security of the church of England only, the Parliament of Scotland declared themselves to assent, as if it was expressed; and this was thought but just, the Parliament of Scotland having had the drawing up and wording of their own Act of Security themselves, though some people made loud objections against this, as a plain establishing of Episcopacy in England by the very Parliament of Scotland.

It was indeed leaving the thing as self-existent as it was possible: it was absolutely necessary that the treaty of Union should be ratified by either kingdom; but as to the acts severally establishing the respective churches, they were the distinct act and deed of each kingdom: and if the Scots may be said to have consented to establish Episcopacy, it is every whit as plain, that the English have established Presbytery in Scotland; with this farther distinction, that what has been done in Scotland, is an act of the state only; in England, both church and state have given their sanction to the establishment of the Presbyterian church of Scotland, the Bishops being the representatives of the church of England in this case. At the same time, I think the matter clear, that with respect to Union, their establishment is reciprocally secure, and either kingdoms cannot now put their hand to the weakening or injuring the establishment of the other, without setting, at the same time, its hand to the destruction of its own constitution.

This act for the security of the church of England, seems to be the exact copy of the act for the security of the church of Scotland, with the necessary alterations only of names, &c. a testimony indeed unexpected to the sufficiency of the Act of Security for Scotland; in that, the divines of the church of England being left to their full liberty to make their constitution as safe as it was possible to be, contented themselves with the very same model which the Scots had passed for themselves, as the best and completest security they could devise, which they that cavilled so much at the security of the act in Scotland as insufficient, might have received great satisfaction from, if they had thought fit.

The copy of this act in England is added in the Appendix, N^o. H. xx.

I need not count days, nor enter into the minutes of this affair in the English Parliament; it may suffice to tell the reader, that the whole act passed both Houses by the fourth of March, and the Queen passed it on the sixth. It was designed to have delayed the passing it to the eighth, which was the day of Her Majesty's coming to the crown, that so the day might have been doubly remem-

remembered, for the commencement of Her Majesty's reign over the three kingdoms first, and then over the united kingdom of Britain: but Her Majesty, not willing to delay a thing which the whole island waited so much for, and had their eyes upon, went to the House of Lords on the sixth of March, and having passed the bill, made the following speech, with which I think I may close this short period of the Union, I mean its passing in England.

There was some opposition made to the articles in the House of Lords in England; and some Lords protested against the several articles, and some against all of them. But the House of Lords in England having expressly forbid the printing any of the proceedings of their House, I cannot enter upon the historical part of it; I hope something like an abridgement of some matters, &c. may be found in the Appendix, N^o. O. xx.

The Queen's Speech to the English Parliament, at the passing the Union.

My Lords and Gentlemen,

“ It is with the greatest satisfaction that I have given my assent to a bill, for the uniting England and Scotland into one kingdom.

“ I consider this Union as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and at the same time, as a work of so much difficulty and nicety in its own nature, that, till now, all attempts which have been made towards it, in the course of above an hundred years, have proved ineffectual: and therefore I make no doubt but it will be remembered and spoke of hereafter to the honour of those who have been instrumental in bringing it to such a happy conclusion.

“ I desire and expect from all my subjects of both nations, that from henceforth, they act with all possible respect and kindness to one another; that so it may appear to all the world they have hearts disposed to become one people.

“ This will be a great pleasure to me, and will make us all quickly sensible of the good effects of this Union.

“ And I cannot but look upon it as a particular happiness, that, in my reign, so full a provision is made for the peace and quiet of my people, and for the security of our religion, by so firm an establishment of the Protestant succession throughout Great Britain.

Gentlemen of the House of Commons,

“ I have this occasion to remind you, of making effectual provision for the redemption of the equivalent of Scotland within the time appointed by this act; and

and I am persuaded you'll show as much readiness in this particular as you have done in all the other parts of this great work.

My Lords and Gentlemen,

“The season of the year being now pretty far advanced, I hope you will continue the same zeal which has appeared throughout this session, in dispatching what yet remains unfinished of the public business before you.”

It took up some time in England to ingross and inroll, and make copies of this great transaction, the original of which was to be lodged in the Tower of London, and an exemplification under the Great Seal of England, to be sent down to Scotland, to be again read in Parliament there, and then laid up in the registers and rolls of Parliament *in perpetuam rei memoriam*.

I must now return to the minutes of the Parliament, where several things subsequent to the treaty, but really absolutely necessary to its existence, was to be finished, and which took them up the time between the sending up the ratification, and receiving down the exemplification as above.

The Minutes of the Parliament of Scotland continued.

M I N U T E LXI.

Monday, January 20, 1707.

Prayers said.

Rolls called.

Upon reading of the minutes, it was moved to insert therein the petitory part of the representation and petition of the Commission of the General Assembly of the church of Scotland, mentioned in the said minutes. And after debate thereon, the vote was stated, “Insert the petitory part of the said representation and petition, yea or not.

And after farther debate, the Duke of Hamilton made a motion for a state of a vote, wherein the petitory part of the said petition was repeated; but that state of the vote being reclaimed against, as yielding the question, the Duke of Hamilton protested, “That he having made a motion, and being seconded, “it was against the rule of Parliament to refuse a vote, and to insert his motion in the minutes.

Then the vote was put, “Insert the petitory part of the above representation and petition in the minutes, yea or not,” and it carried, “Not.

There

Thereafter it was moved, “ That conform to the minutes of the fifteenth
 “ of January instant, the Parliament proceed to consider the manner of electing
 “ the representatives for Scotland to the Parliament of Great Britain.” Where-
 upon a resolve was given in, and read in these terms: “ Resolved, that the
 “ sixteen Peers, and forty-five commissioners for shires and burrows, who are
 “ to be the members to the first Parliament of Great Britain, for and on the
 “ part of Scotland, be chosen out of this present Parliament: and that the
 “ members so chosen, be the members of the first Parliament of Great Britain,
 “ if Her Majesty shall declare, on or before the first day of May next, that the
 “ Lords and Commons of the present Parliament of England, be the members
 “ of the first Parliament of Great Britain, for and on the part of England.”

And after reasoning thereon, the farther debate was adjourned till next *sedes-
 runt* of Parliament.

Adjourned till to-morrow, at ten o'clock.

O B S E R V A T I O N LXL.

It was not very easy to know the reason why they desired the petitory part, as they called it, of this paper to be inserted in the minutes; some were of the opinion, it was to show the nation, that the opposers of the Union were friends to the church, and that they would have it appear they stood up for the church of Scotland; others thought it was with design to expose the Presbyterians to the church of England, as utter enemies to their constitution; nor could I ever hear any other reasons given for it. However, the Duke, after having with some difficulty obtained a vote upon it, lost it; and so the representation and petition was left just where they found it, viz. as a testimony of the church against some things which were thought to clash, both with their constitution and a little with their principles; and in this it was thought it had its uses, though it was not effectually answered in Parliament.

The affair of the electing their members for the first Parliament of Britain came next upon the stage; and the ground of the motion mentioned in the minutes, was founded upon a supposition mentioned in the twelfth article of the treaty, viz. That Her Majesty on or before the first day of May, on which day the Union was to take place, should declare under the Great Seal of England, that it is expedient that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the members of the respective Houses of the first Parliament of Great Britain, for and on the part of Great Britain. Now it was thought very equal, that if the then present sitting Parliament of England should be named for the first Parliament of Great Britain, in conjunction with the several members that should be named from Scotland, that the members of both Houses which were to

represent Scotland, should be likewise named out of the current or then present sitting Parliament of Scotland.

It was pretty easy to conjecture, that Her Majesty would appoint these members of the English Parliament, to constitute the first British Parliament, as it after happened, and therefore this was moved now, in order to settle it in the act of parliament now to be made, in which it was absolutely necessary to be determined, this matter being to be signed, and passed into a law, before the Union was to take place. What vigorous opposition it met with, will be seen in the next observation.

MINUTE LXII.

Tuesday, January 21, 1707.

Prayers said.

Rolls called.

The Earl of Stair swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Then the resolve insert in the former days minutes, anent choosing the representatives for Scotland to the first Parliament of Great Britain, was again read.

And after reasoning thereon, an overture was given in for establishing a certain way for electing the representatives of Scotland to the Parliament of Great Britain in all time coming, in the terms of the treaty of Union, which was read; and thereafter another overture was offered for an act for choosing the sixty-one members to represent Scotland in the Parliament of Great Britain: as also, a resolve was given in and read, “ That previous to all other business, the Parliament proceed to determine the manner of electing the representatives for Scotland to the Parliament of Great Britain, and to determine the number and quota of barons and borrows.”

And after the debate, the vote was stated, “ Approve the resolve insert in the former days minutes, yea or not.”

But before voting, the Duke of Hamilton gave in a protestation in these terms: “ I James Duke of Hamilton do hereby protest for myself, and in the name of all those who shall adhere to this my protestation, against the electing by this present Parliament the sixteen peers and forty-five barons and boroughs, who are to represent Scotland in the first Parliament of Great Britain, as inconsistent with the whole tenor of the twenty second article of the treaty of Union, and contrair to the express words thereof, whereby it is provided, that after the time and place of the meeting of the said Parliament is appointed by Her Majesties proclamation, which time shall not be less than fifty days after the proclamation, a writ shall be immediately issued under the great seal of Great Britain, directed to the Privy Council of Scotland, for summoning the sixteen peers, and for electing forty-five members, by whom

“ Scotland is to be represented in the Parliament of Great Britain ; and farther,
 “ as utterly subversive of the right of election competent to the barons and
 “ burrows of this kingdom, and desires this my protestation may be insert in
 “ the minutes and records of Parliament, and thereupon takes instruments.”

And Mr. William Cochran, of Kilmaronock, gave in a protestation in these terms : “ I Mr. William Cochran, of Kilmaronock, do protest in my own
 “ name, and in name of all those that shall adhere to this my protestation, that
 “ the electing of members to represent this part of the united kingdom in the
 “ Parliament of Great Britain, out of this present Parliament, by the members
 “ of this House, is contrary to, and inconsistent with the birth-rights and pri-
 “ vileges of the barons and burrows of Scotland ; that it is contrary to the
 “ principles of common law, and divers acts of Parliament, and directly op-
 “ posite and contradictory to the express words and meaning of two several para-
 “ graphs of the twenty two article of the treaty of Union betwixt Scotland and
 “ England, so lately ratified in this House ; and I desire this my protestation
 “ may be insert in the minutes, and recorded in the books of Parliament, upon
 “ which I take instruments.”

And after reading of the above protestations, each of the said protesters took instruments upon their respective protestations, and adhered to the protestation given in by the other ; and it was agreed that the members votes be marked, and that the list of their names, as they vote, be printed and recorded, and that at calling the rolls, the adherers to the above protests be also marked.

Then the vote was put, “ Approve the resolve insert in the former days mi-
 “ nutes, or not,” and it carried, “ Approve.” And the Earl of Errol, the
 Earl Marischal, the Earl of Buchan, the Earl of Eglington, and the Earl of
 Galloway ; the Viscount of Kilsyth ; the Lord Semple, the Lord Balmerino,
 the Lord Blantyre, the Lord Bargany, the Lord Beilhaven, and the Lord
 Colvil ; Sir John Lauder, of Fountainhal ; Alexander Fletcher, of Saltoun ;
 Sir Robert Sinclair, of Longformacus ; John Brisbane, younger, of Bishoptoun ;
 Sir Humphry Colquhoun, of Lufs ; John Grahame, of Killearn ; Robert Rollo,
 of Powhouse ; Thomas Sharp, of Houston ; Sir Thomas Burnet, of Leys ;
 Sir David Ramsay, of Balmain ; John Forbes, of Colloden ; Mr. Thomas
 Hope, of Rankeilor ; David Grahame, younger, of Fintry ; Alexander Mackye,
 of Palgown ; James Sinclair, of Stempster ; Mr. James Dumbar, younger, of
 Hemprigs ; Sir Henry Innes, younger, of that ilk ; Mr. George Mackenzie,
 of Inchcoulter ; Alexander Edgar, James Scot, Francis Mollison, Robert Scot,
 John Hutcheson, Archibald Shiels, Mr. John Lyon, George Brodie, and Mr.
 John Carruthers, adhered to both the above two protestations.

Thereafter, an overture given in, and read, for appointing the manner of
 electing the peers of Scotland to the Parliament of Great Britain, to be by di-
 viding

viding the peerage into four several classes, out of which they are to be chosen, with some regard to the several ranks of peers, in manner mentioned in the said overture.

And after reasoning thereon, the farther debate was adjourned till next *sedes-runt* of Parliament.

Adjourned till to-morrow, at ten o'clock.

OBSERVATION LXII.

The reason of the Earl of Stair's taking the oaths now, and his place in Parliament, was very unhappy at this time; his father, the Earl of Stair, justly reputed the greatest man of counsel in the kingdom of Scotland, died suddenly the eighth of this month; he had been an eminent instrument in carrying on the Union, and had, the very day of his death, spoken very earnestly in the House, upon some particular cases relating to the Union, he went out of the House not very well, yet went home, and wrote several letters that very night to England, and in the morning died in his bed, without being able to speak so much as to his lady, who was with him, to the general grief of the whole island, being universally lamented.

The debate was now renewed about chusing the representatives for the first Parliament, the principal objection was against choosing them out of the current Parliament; as to the allegations of its being against law and constitution, and against the twenty-second article of the treaty just then ratified, they all centered in this, that it was to be passed and approved by Parliament; and that Parliament having yet the whole legislature in their hands, had power to repeal any law, or statute then in being, and consequently did so far repeal any clause in any act of Parliament formerly made; as to its being against the treaty now ratified, that was rectified thus, That whereas the act of ratification of the treaty of Union in the Parliament of Scotland, in which several acts since made and to be made in the Parliament of Scotland, were yet to be inserted, lay now before the Parliament of England; whatever method the Parliament of Scotland thought fit to take, for the nomination of the members of Parliament, for the first Parliament of Great Britain, should, and must of course also be inserted, and so be and become an essential part or branch of the Union; and this vote having passed as per the minute, is inserted in the said act for settling the election of the members, and again recited in the act of Union, as per the exemplification, appears in these words:

“ in that case only, doth hereby statute and ordain, That the sixteen peers
 “ and forty-five commissioners for shires and burghs, who shall be chosen
 “ by the peers, barons, and burghs respectively in this present session of Par-
 “ liament, and out of the members thereof, in the same manner as committees

“ of Parliament are usually now chosen, shall be the members of the respective
 “ Houses of the said first Parliament of Great Britain, for and on the part of
 “ Scotland ; which nomination and election being certified by a write under
 “ the Lord Clerk Register’s hand, the persons so nominated and elected shall
 “ have right to sit and vote in the House of Lords, and in the House of
 “ Commons of the said first Parliament of Great Britain ; as by the said act
 “ passed in Scotland, for settling the manner of electing the sixteen peers
 “ and forty-five members to represent Scotland in the Parliament of Great
 “ Britain may appear : Be it therefore farther enacted and declared by the
 “ authority aforesaid, that the said last mentioned act passed in Scotland, for
 “ settling the manner of electing the sixteen peers and forty-five members to
 “ represent Scotland in the Parliament of Great Britain, as aforesaid, shall
 “ be, and the same is hereby declared to be, as valid, as if the same had
 “ been part of, and ingrossed in the said articles of Union, ratified and ap-
 “ proved by the said act of Parliament of Scotland, and by this act as afore-
 “ said, and carried it for the new model.” The two protestations against it
 made a great noise, and were printed and carried all over the kingdom, be-
 sides their being printed in the minutes of Parliament. Some said, the chief
 reason why they insisted on this so much was, that the party who opposed
 the Union foresaw, that, as they had been outvoted and overpowered, as
 they called it, in every question relating to the Union, so they would be in
 this ; and that, by consequence, few or none of them would be named to
 the first British Parliament, which was really true in the consequence.

The several overtures relating to the form of future elections will be
 spoken to in their places.

M I N U T E LXIII.

Wednesday, January 22, 1707.

Prayers said.

Rolls called.

Thereafter the three several overtures and resolve mentioned in the former
 days minutes, relating to the way of electing the representatives for Scotland,
 to the Parliament of Great Britain, was again read.

And after reasoning thereon, the vote was put, “ Whether the sixteen peers,
 “ who are to be representatives for Scotland in the said Parliament, shall be
 “ sent by rotation, or by election,” and it carried, “ By election.”

Then it was moved, That it be considered what way the election shall be,
 whether by balloting, or by an open election, and after debate thereon, the
 vote was put, “ Whether it shall be by open election, or by balloting,” and it
 carried, “ By open election.”

Thereafter moved to proceed to consider what proportions the barons and boroughs shall have of the forty-five members, who are to sit in the House of Commons of Great Britain, and after reasoning thereon, the farther debate was adjourned till next *sederunt* of Parliament.

The Committee appointed to meet to-morrow at nine o'clock.

Adjourned till Friday next at ten o'clock.

M I N U T E LXIV.

Friday, January 24, 1707.

Prayers said.

Rolls called.

Then the debate mentioned in the former days minutes was resumed, anent what proportions the barons and borrows shall have of the forty-five members, that are to sit in the House of Commons of Great Britain.

And thereupon a clause was offered to be insert in the act, regulating the manner of electing the representatives for Scotland, in these terms, " And Her Majesty, with advice and consent foresaid, statutes and ordains, That thirty shall be the number of the barons, and fifteen the number of the boroughs, to represent this part of the united kingdom in the House of Commons of Great Britain; and that no peer, nor the eldest son of any peer, can be chosen to represent either shire or burgh of this part of the united kingdom in the said House of Commons."

And after debate upon the first part of the said clause, the vote was stated, " If the number shall be thirty for the barons, and fifteen for the boroughs, Yea or not."

But before voting, the Earl of Cromerty gave in a protestation, in the terms following, viz. " I George Earl of Cromerty do protest, that nothing that shall be enacted, as to the shire of Cromerty their being adjoyned to any other shire, as to the method or manner of electing of Commissioners to the Parliament of Great Britain, shall infer any derogation to the privileges of that shire, or to my right as heretable sheriff thereof," and took instruments thereupon.

Thereafter the vote was put, " If the number shall be thirty for the barons, and fifteen for the boroughs, yea, or not;" and it carried, " Yea."

Adjourned till Monday next at ten o'clock.

M I N U T E L X V .

Monday, January 27, 1707.

Prayers said.

Rolls called.

Then the second part of the overture mentioned in the former days minutes was again read in these terms, “ And that no peer, nor the eldest son of any peer, can be chosen to represent either shire or burgh of this part of the united kingdom in the said House of Commons.”

And after debate thereon, another clause was offered in these terms, “ Declaring always, That none shall elect, nor be elected, to represent a shire or burgh in the Parliament of Great Britain from this part of the united kingdom, except such as are now capable by the laws of this kingdom to elect, or be elected, as Commissioners for shire or burgh to the said Parliament.”

And after farther reasoning thereon, the vote was stated, “ Approve of the first clause, or of the second.”

But before voting, it was agreed, That the votes be marked, and that a list of the members names, as they vote, be printed and recorded, and the Lord Chancellor was allowed to have his name printed and recorded amongst those who voted for the second clause.

Then the vote was put, “ Approve of the first clause, or second;” and it carried, “ Second.”

Thereafter moved, “ That the Parliament proceed to consider in what manner the several shires of this kingdom shall choose the thirty members appointed to represent them in the House of Commons of Great Britain; as also, in what manner the several boroughs shall chuse the fifteen members, appointed to represent them in the said House of Commons.”

And after some discourse thereon, the farther consideration thereof was delayed till next *federunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

O B S E R.

OBSERVATIONS LXIII. LXIV. AND LXV.

I put these three minutes together, because they are all on the same subject, viz. The electing the representatives to the Parliament of Great Britain, which was now to be formed into an act by itself.

There had been several schemes of elections laid down for the Peers, and three overtures had been presented to the House; some were for naming the several families, and fixing the representative to be chosen out of them exclusively, and these were those who pretended to make distinctions between the ancient and modern nobility; they thought it was reasonable, since the numbers of noblemen lately made, and especially in the last thirty or forty years, were but burdensome, as they alledged, to the nation, that those families newly made noble should relinquish this affair to the ancient nobility, as what was inherent in them, but a new accession to these; and that, since Scotland was to retrench her nobility, as to sitting in Parliament, it was but just they should be preferred, who had the most ancient title.

Others were for dividing the nobility into four classes, and taking every year a proportioned number out of each class.

Others were for taking by rotation, and so, beginning at the extremes, take the families as they rise, either beginning at the eldest or youngest Peers.

But all these methods were rejected, and that of election carried it. Whether it were, that each party thought themselves able to carry it from the other, or that they thought it their advantage, that they should carry it who could make the best interest, I know not; but I cannot say they took the best way for the preserving the public tranquillity, since the factions and party-makings for the interest of elections, which must necessarily be the consequence of this method, cannot but keep up a constant feud of parties and families in the nation, which must necessarily be renewed every three years, the Parliament being to be new chosen so often; during which time, the parties will be at work to cultivate, increase, and fortify their several interests, which, it is to be doubted, will go a great way to entailing a spirit of division and party-strife upon the whole nation. I wish I may be found to have made a wrong conjecture; but I shall have occasion to speak to this again in the process of this story, and to observe, how too much of this was made good in the very first election, I mean, for the second British Parliament. Of which hereafter.

After the settling of the affair of the Peers, it was to be determined how the forty-five members for the House of Commons should be proportioned,

and this was prepared for them beforehand, and given in in a scheme or overture, which occasioned some dispute; the number of the shires and counties, and stewartries that formerly elected, were these were now to be reduced by joining two or three together, where they were small and remote, to thirty members, each county chusing none but one, and each head of counties, where any were joined together, chusing but one; the burghs, or royal boroughs, were in number; these were formed into classes or districts, and were for each district to chuse one member; and because the meeting together of the votes in the said burghs might be both chargeable and inconvenient, a medium was found out, each burgh was to chuse a commissioner, in the same manner as usual, which commissioner was to meet with the commissioners of the other burghs of that district, and these were to chuse the member.

The respective persons concerned made some opposition about the joining of shires, but this had been a thing well concerted, and therefore admitted the less dispute in the House; the persons also who had made the calculations being prepared to defend the equalities of it; it remained therefore to agree on the partition of the counties and towns, or as called in the minutes, barons and burghs, which was done with little dispute, as per the minute.

The motion against the eldest sons of Peers had not a little to be said for it, particularly that when the influence of the nobility in Scotland comes to be considered, with the small number of members to be chosen, it might in time to come rise to what was hinted before, in the project of reducing the Lords that did not sit in the House of Peers, to a level with the Commons, and make them capable of sitting in the House of Commons, that then it might come to pass, that Scotland should be represented only by her nobility, and that there should be Scots Lords in the Parliament of Britain; so here in time it might happen, that the nobility in the House of Peers, and their eldest sons in the House of Commons, might make up the whole representative of Scotland.

There were a great many arguments brought against this proposal, but these seemed the most prevailing, viz.

1. That it had been always allowed in Scotland before, viz. That the eldest sons of Peers might be elected.

2. That in England the eldest sons of Peers do sit in the House of Commons, and it would break in upon the rule of equalities to alter it, and put the Scots gentlemen in a worse condition than the English.

After some time a vote was offered that put it to an end, viz. To let the right of being elected remain just as it was, without any alteration at all, that he

he that had a right or capacity to vote, or to be chosen before, should have so still; and this ended the debate.

The manner of electing the Commons came next to be considered.

MINUTE LXVI.

Tuesday, January 28, 1707.

Prayers said.

Rolls called.

Then the Parliament proceeded to consider in what manner the several shires of this kingdom shall choose the thirty members appointed to represent them in the House of Commons of Great Britain; as also in what manner the several burrows shall choose the fifteen members to represent them in the said House of Commons.

And after reasoning thereon, a draught of an act was offered, settling the manner of electing and summoning the sixteen Peers and forty-five Commoners, to represent Scotland in the Parliament of Great Britain.

Which being read, it was moved to proceed to consider that clause of the draught of the act appointing the shires of Bute and Caithness to have only one representative, the shires of Nairn and Cromerty to have only one representative, and the shires of Clackmannan and Kinross to have only one representative, to be chosen alternatively; and the hail other shires and stewartries of this kingdom, now represented in this present Parliament, each to have one representative in the Parliament of Great Britain.

And it was also moved to remit the same to a Committee; and after reasoning on these motions, the vote was stated, "Approve of the above clause of the act, or commit."

But before voting, a protestation was given in, in these terms: "I James Sinclair, of Stempster, one of the commissioners for the shire of Caithness, do protest for myself, and the other barons and freeholders of the said shire, that the vote now to be put for approving the conjunction of the said shire of Caithness with Bute, or any other of the lesser shires, is against our right of being always separately represented in Parliament, and that because the rule of reducing shires is by their valuation, and six only to be reduced, the shire of Caithness ought to enjoy its representation as other greater shires, and the shire of Sutherland, being less in valuation than Caithness, ought to be conjoyned with the other lesser five shires;" which being read, he took instruments thereupon, and Mr. James Dumbar, younger, of Hemprigs, the other commissioner for the said shire of Caithness, adhered thereto.

Then the vote was put, " Approve of that clause of the act settling the manner of electing representatives for shires, or commit ;" and it carried, " Approve."

Thereafter it was moved to proceed to consider in what manner the burghs shall choose their representatives.

And after debate thereon, the farther consideration thereof was delayed till next *sederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

MINUTE LXVII.

Wednesday, January 29, 1707.

Prayers said.

Rolls called.

Then the Parliament proceeded to the consideration of the manner in which the burrows shall elect their representatives to the House of Commons of Great Britain.

Whereupon several schemes being given in and read in relation to the manner of the said election,

After reasoning thereon, and upon the number of the districts that shall be appointed for making of the said elections, and upon a motion that the burgh of Edinburgh by itself shall have always one representative ;

The vote was stated, " Whether the burghs shall be divided into three districts, or fifteen," (reserving intire the motion as to the town of Edinburgh its having one representative by itself) and it carried, " Fifteen."

Then the vote was put, " If the burgh of Edinburgh by it self shall have one representative or not," and it carried, " One."

Thereafter a scheme, dividing the burghs into fifteen districts, each of which districts is to have one representative, was given in and read, and is as follows :

" The burghs of Kirkwal, Week, Dornock, Dingwal, and Tayn, one; For-
" trose, Inverness, Nairn, and Forreß, one; Elgine, Cullen, Bamff, Inverury,
" and Kintore, one; Aberdeen, Bervie, Montrose, Aberbrothock, and Brechin,
" one; Forfar, Perth, Dundee, Couper, and St. Andrews, one; Crail, Kilren-
" ny, Anstruther Easter, Anstruther Wester, and Pittenween, one; Dysart,
" Kirkaldie, Kinghorn, and Burnt-island, one; Innerkeithing, Dumfermling,
" Queensferry, Culroß, and Stirling, one; Glasgow, Renfrew, Rutherglen, and
" Dumbartoun, one; Edinburgh, one; Haddingtoun, Northberwick, Dum-
" bar, Lawder, and Jedburgh, one; Selkirk, Peebles, Linlithgow, and Lanerk,
" one; Dumfries, Sanquhar, Annan, Lochmewan, and Kirkcudbright, one;
" Wigtoun, Newgalloway, Stranrawer, and Whitehorn, one; and Air, Irving,
" Rothsay, Campbelltoun, and Inverary, one."

And after debate thereupon, “ Whether it should be approved, or remitted to the Committee,”

The vote was put, “ Approve the scheme or commit,” and it carried, “ Approve.”

Then it was moved, that the Commissioners for the treaty of Union have their expenses allowed to them; and a debate having arisen thereupon, the farther consideration thereof delayed till next *federunt* of Parliament.

Adjourned till Friday next at ten o'clock.

OBSERVATIONS LXVI. AND LXVII.

These minutes are so expressive of the subject debated about, that there needs no explanation to be given; they were only matters of form dividing the burghs into districts for election, and uniting the smaller remote counties to reduce the number; and all being stated beforehand, as I noted in the last, nothing material happened.

MINUTE LXVIII.

Friday, January 31, 1707.

Prayers said.

Rolls called.

Then the Parliament proceeded to consider the motion for allowing the Commissioners for the treaty of Union their expenses; and thereupon a resolve was given in these terms: “ That the charge of the Commissioners sent to the treaty of Union on the part of the kingdom of Scotland, who met at London in pursuance of Her Majesties nomination by authority of Parliament, and of the allowance to the secretary of the said commission, and to the accountants appointed by the said commission, are publick debts; and that there be allowed to each nobleman, who attended the said treaty at London, the sum of twelve thousand pounds Scots; and to each other of the commissioners attending, the sum of six thousand pounds Scots; and to the secretary of the said commission, the sum of four thousand eight hundred pounds Scots; and to each of the three accountants named by the said commission, the sum of two thousand four hundred pounds Scots; and that the said respective sums be payed out of the sum of three hundred ninety-eight thousand eighty-five pounds ten shillings sterling, mentioned in the fifteenth article of the said treaty of Union, ratified in this Parliament; and that the said sums be ranked and preferred after the sums payable to the proprietors of the African and Indian Company of Scotland *pari passu* with the first of the publick debts appointed to be payable out of the foresaid sum of three hundred ninety-eight thousand and eighty-five pounds ten shillings sterling money.”

Which being read, upon reasoning thereon, a motion being made for restricting the quotas of the treaters expenses; and some objections being also made against allowing the said expenses out of the above fund, the vote was stated, “ Approve of the resolve, or alter.”

And before voting it was agreed, that the votes be marked, and that a list of the members names as they vote be printed and recorded.

Then the vote was put, “ Approve of the resolve, or alter;” and it carried, “ Approve.”

It was also agreed, that the Earl of Ilay (designated in the commission for the treaty Lord Archibald Campbell) be allowed his expenses as a nobleman.

Thereafter it was moved, That the Commissioners for the Treaty 1702 have allowance of their expenses in manner following, viz. Each nobleman five hundred pounds sterling, each baron three hundred pounds sterling, and each burrow two hundred pounds sterling.

And after debate thereupon, the vote was put, “ Grant allowance to the Commissioners for the Treaty 1702, of their expenses in the above manner, yea or not,” and it carried, “ Yea;” and the said expense was declared to be a publick debt, and it was remitted to the Committee for stating of publick debts, to state and rank the same as a publick debt.

Thereafter it was moved, That no representative from either shire or burgh from this kingdom to the Parliament of Great Britain shall have any allowance for their charges and expenses in attending the same.

And after debate, it being moved to delay the consideration thereof till next *sederunt* of Parliament,

The vote was put, “ Proceed or delay,” and it carried, “ Delay.”

The Committee appointed to meet to-morrow at nine o'clock.

Adjourned till Monday next at ten o'clock.

OBSERVATION LXVIII.

This proposal was ill received indeed, and a horrid clamour raised at it without doors: the people who had been hot against the Union took hold of it with an unbridled raillery, reproaching the treaters in a most indecent manner, exclaiming at the very thing itself. Now the nation might see they said what they had been doing at London, and what they had been pursuing ever since that they had sold their country for a sum of money, and they were beginning to share it among them: this referred to the equivalent, out of which this money was to be paid: that they voted for one another, the new Commissioners and the old; and that this was taking the money away to their private uses, which they had pretended was to be employed in encouraging the manufactures

nufactures and employing the poor, raising stocks for the woollen trade, and funds for the fishing; that these were the specious pretences, when the nation was brought in to accept of the equivalent; but that now it was done and over, they were dividing the spoil. It would be endless to set down the ill nature of the day as soon as this proposal was talked of without doors, and yet there was really no reason, the gentlemen who went to England upon that occasion, who set all their private affairs aside to serve their country, and attended in England several months at expence enough, should do all this at their own charges, when, at the same time, every other article had its supply out of the general fund; and therefore, notwithstanding the clamours of the people, and several attempts within doors, first to reject it wholly, then to refuse the payment of it out of the equivalent, which was indeed refusing it wholly, since there was no other fund to pay it: and lastly, to restrict the quantity; yet at last it passed, as it had been at first proposed.

The allowance to the old treaters, they alledged, was a trick to draw in the allowance for the new, because, being to be voted together, it was certain the old would vote for the new, that they might be sure the new would in return vote for the old: but there was certainly the same reason that one should be allowed their expence as the other; since, though they could not then bring it to a conclusion, yet their pains and expences might not be the less, but rather the more for that: and thus they were both voted to be allowed their charges, as per the minute.

MINUTE XLIX.

Monday, February 3, 1707.

Prayers said.

Rolls called.

Thereafter the first *federunt* of Parliament (after passing the act, settling the manner of electing and summoning the representatives for Scotland to the Parliament of Great Britain) was appointed for private business.

Then the motion made the former *federunt*, anent “allowing no charges or expences to the representatives from the shires and burghs of this kingdom to the Parliament of Great Britain,” resumed.

And after debate thereon, the vote was put, “Whether there shall be a clause in relation to the charges and expences of the representatives for shires and burghs insert in the act settling the manner of electing, &c. yea or no,” and it carried, “No.”

Thereafter it was moved, that at all meetings of the Peers for electing of their representatives, such Peers as are absent be allowed to have votes in the said election by proxies, the said proxies being Peers, and they and their constituents being qualified at the time, by taking the oaths required by law; and that the said absent Peers may either vote by their proxies, or by sending up lists subscribed by them.

And after reasoning thereon, the vote was put, "Allow proxies in the above terms, yea or not," and it carried, "Allow."

Agreed, that the meeting of the Peers for the said elections shall be at any place Her Majesty shall appoint within the limits of Scotland.

Agreed also, that in case of the decease, or legal incapacity of any of the forty-five Commoners, to be chosen out of this session of Parliament to the Parliament of Great Britain, the shire, stewartry, or district of burrows, for which he is a member, shall choose another in his place.

Agreed likewise, that in case of the decease, or legal incapacity of any of the sixteen Peers, the Peers shall meet and elect another in place of the deceiver.

Moved, that such Peers of Scotland, who are likewise Peers of England, or who, after the Union, shall be created Peers of Great Britain, have no vote in the election of the sixteen Peers from Scotland to the Parliament of Great Britain.

And after debate thereon, it was put to the vote, "Whether any clause in relation to the said motion shall be insert in the above act, settling the manner of election, &c. yea or not," and it carried, "Not."

Thereafter it was agreed, that when the votes of the Commissioners for burrows, who shall meet for electing their representatives are equal, the president of the meeting shall have a casting or decisive vote, beside his vote as a commissioner representing the burgh from whom he is sent; and that the Commissioner for the eldest burgh shall preside at the first meeting, and the Commissioner for the other burghs by turns, as the burghs are now called in the rolls of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION LXIX.

The charges being allowed to the treaters, it was thought the House would go on and allow this also, but it was presently rejected. Some said it was offered by way of jest, as a reproach to the gentlemen that took money for the service of their country.

But the proposal was made another way, viz. "That no representative from either shire or burgh, from this kingdom to the Parliament of Great Britain, shall have any allowance for their charges or expences," &c. It

was

was alledged, that the English took no such allowance, and that it would be a reproach to Scotland, if the Scots gentry should take their charges from the country, and the English did not.

To this it was answered, that though the English gentlemen generally refused the allowance of the counties for their attendance, yet that, by law, there was such an allowance due to them from the countries, and they might not only justify accepting it, but might legally demand it; and therefore it ought in like manner to be left at liberty in Scotland, when doubtless the Scots representatives, in proportion to their capacities, would be found as frank and generous in sparing the country as the English.

And it was remarkable, that in subsequent elections in Scotland for the counties, it was very often agreed jointly by the several candidates for election, that whosoever carried it, should relinquish any pretence to an allowance from the county for their service in Parliament.

The affair of proxies in election of Peers is expressed at large in the minute, and needs no remark; nor was there any long debate upon it in the House.

The other heads also being matter of form only were readily agreed to.

There was indeed some struggle about excluding these noblemen of Scotland, who were noblemen in England, or should be Peers of Britain, from voting, but they could not carry it: and yet it is to be observed, that at the first election of the sixteen Peers by virtue of this act, some of the Peers of Scotland protested against the votes of those that had English or British titles; a debate that is not yet (*viz.* at the writing these sheets) determined, though this vote seems to conclude it directly.

MINUTE LXX.

Tuesday, February 4, 1707.

Prayers said.

Rolls called.

Then the draught of an act “settling the manner of electing and summoning the sixteen Peers and forty-five Commoners to represent Scotland in the Parliament of Great Britain,” read.

And thereupon a vote was put, “Allow a first reading to be marked on the said act, yea or not,” and it carried, “Allow;” and a first reading was marked thereon accordingly.

Adjourned till to-morrow at ten o’clock.

MINUTE

M I N U T E . LXXI.

Wednesday, February 5, 1707.

Prayers said.

Rolls called.

Then the act settling the manner of electing the sixteen Peers and forty-five Commoners to represent Scotland in the Parliament of Great Britain, again read; and after reasoning thereon, and some amendments, the act as amended was again read over, and it was put to the vote, "Approve of the act or not," and it carried, "Approve."

Overture for an act anent plantation of kirks brought in from the Committee and read, and, after some amendments, was ordered to be printed.

And also another overture for an act and commission for plantation of kirks and valuation of teinds, brought in from the said Committee, was read, and ordered to be printed.

Agreed, that the Parliament will proceed to the consideration of these overtures the first *federunt* after they are printed, previous to all other business.

Then a proclamation concerning the coyn was brought in from the Committee and read, and a vote was put, "Approve of the proclamation or not," and it carried, "Approve."

Overture for an act against Popery and Papists brought in from the Committee, was read, and ordered to be printed.

Thereafter the act settling the manner of electing the sixteen Peers and forty-five Commoners to represent Scotland in the Parliament of Great Britain was touched with the royal scepter by Her Majesties High Commissioner in the usual manner.

Adjourned till Monday next at ten o'clock.

O B S E R V A T I O N S . LXX. AND LXXI.

The act for settling the manner of electing the representative was now past, and because it is an act containing a great variety of heads useful for posterity to know when the respective elections may come on, I have inserted it in the Appendix to this work, N^o Ixx.

The overture for plantation of kirks and valuation of teinds were put both together, and proceeded upon as one act; the case was in short thus:—It had
been

been the custom in former Parliaments to grant a commission to certain of their own members to sit as a Court, and to judge and determine of several things relating to the two heads above, viz. plantation of kirks and valuation of teinds; the things they determined of were generally,

Sale and valuation of teinds or tithes in the several paroches;

Augmentation of the stipends of ministers;

Prorogation of tacks, or leases of teinds;

Dividing or disjoining paroches, or parishes, where they were too large;

Erecting and endowing new churches;

Annexing and dismembering churches, and the like.

It was some time since these commissions had been discontinued; and that was not all the misfortune, but all the registers and rolls of that court were lost in the great fire which happened in the Parliament Close at Edinburgh in the year 1700; so that there was no having recourse to any thing past.

This was a great loss to the church of Scotland upon several accounts; and had it remained unsettled at this juncture, the injury had been past remedy; wherefore it was earnestly desired, and readily granted, that all the powers formerly exercised by the said commission of Parliament should now be conveyed to some particular court judicatory or body of men that should judge and determine in such cases. Some were for having it vested in the church itself, and committed to the general assembly: but it was alledged, that were to make the church judge in her own cause, and put too much power into the hands of the assembly; others were for desiring it to be in the hands of the Crown, to grant commission to proper persons as the Parliament did before: but that was objected against, as dangerous to the safety and constitution of the church: at length it was devolved on the Lords of the Session, and there it passed, as in the act, which is printed also at large in the Appendix, N^o. K. xx.

The Committee also now made their report about the coin, and the manner of settling it, the time of reducing and calling in the money, of which I have spoken already; but the report of the Committee being recited in the proclamation, and that proclamation stating the particulars exactly, I have placed the said proclamation in the Appendix, N^o. K. 3. it being the last proclamation made in Scotland as a separate kingdom.

M I N U T E LXXII.

Monday, February 10, 1707.

Prayers said.

Rolls called.

Then it was moved to proceed to private business, conform to the minutes of the third of February instant.

Moved also to proceed to the consideration of the two overtures mentioned in the minutes of the last *sederunt*; the one remitting the plantation of kirks, &c. to the Lords of Session; and the other for an act and commission for plantation of kirks and valuation of teinds.

And after debate, the vote was put, "Proceed to consider the two overtures in order to a first reading, or proceed to private business," and it carried to the "Overtures."

Thereafter the two overtures were read in the above order, and the vote being put, "Mark a first reading on the first or second," and it carried, "First;" and a first reading was marked on the said first overture, remitting the plantation of kirks to the Lords of Session.

M I N U T E LXXIII.

Wednesday, February 12, 1707.

Prayers said.

Rolls called.

Thereafter the following overtures for acts were given in and read, viz. Act renouncing the reversion of Kirk-lands; act in favours of the inhabitants of the shire of Caithness; act in favours of the Earl of Linlithgow and Callender; for preserving the game; act in favours of the Lady Littlegill and her son; act in favours of the Earl of Cromerty; and a first reading ordered to be marked on each of the said acts.

Moved to proceed to the act for plantation of kirks, &c.; and also moved to proceed to the act for additional premiums on exportation of victual.

And after reasoning thereon, it was agreed to proceed first to the act for plantation of kirks, &c.; and after the same is finished, to proceed immediately thereafter to the act for additional premiums.

Then the act for plantation of kirks, &c. was read; and after some reasoning thereon, the farther debate was adjourned till next *sederunt* of Parliament.

Agreed, 'That the Parliament will next *federunt* proceed to elect the representatives for Scotland, to the first Parliament of Great Britain; and it was intimate to the members to prepare for the said election against that time; and agreed that the Parliament will thereafter proceed to the act for plantation of kirks, &c. previous to all other business after the election, and then to the act anent drawbacks on victual.

The second *federunt* of Parliament next week appointed for private business. Adjourned till to-morrow at ten o'clock.

OBSERVATIONS LXXII, AND LXXIII.

The Parliament now drawing near a close, a great deal of private business crowded on the House, so that sometimes little was done as to the public, which is the reason of joining these observations upon two or three days at a time.

The affair of the act for plantation of kirks, &c. I have spoken of already; and as this only took up the work of these two days, I mean as to public business, there needs no farther remark upon them.

MINUTE LXXIV.

Thursday, February 13, 1707.

Prayers said.

Rolls called.

Then the Parliament, conform to the minutes of the last *federunt*, proceeded to elect the representatives for Scotland to the first Parliament of Great Britain; and the three estates having separated to their usual places, they returned and reported their respective elections, and the list of their representatives is as follows:

Of the nobility, the Duke of Queensberry, Lord High Commissioner; the Earl of Seafield, Lord High Chancellor; the Marquis of Montrose, Lord President of the Privy Council; the Marquis of Tweeddale, the Marquis of Lothian, the Earls of Mar and Lowdown, principal Secretaries of State; and the Earls of Crasford, Sutherland, Roxburgh, Wemyss, Leven, Stair, Roseberry, Glasgow, Thesaurer-depute, and Ilay.

Of the barons, William Nisbit, of Dirletoun; John Cockburn, younger, of Ormistoun, Sir John Swintoun, of that ilk; Sir William Ker, of Greenhead; Archibald Douglass, of Cavers; William Bennet, of Grubbet; Mr. John Murray, of Bowhill; Mr. John Pringle, of Haining; William Morison, of Prestongrange; George Baillie, of Jerviswood; Sir John Johnstoun, of

Westerhall; Mr. John Stuart, of Sorbie; Mr. Francis Montgomery, of Giffay; Mr. William Dalrymple, of Glenmure; Sir Robert Pollock, of that ilk; John Hadden, of Glenagies; Mungo Grahame, of Gorthie; Sir Thomas Burnett, of Leyes; Sir David Ramsay, of Balmain; William Seton, younger, of Pitmedden; Alexander Grant, younger, of that ilk; Hugh Ross, of Kilmavock; Sir Kenneth Mackenzie, Mr. John Campbell, of Mammore; Sir James Campbell of Auchinbreck; James Campbell, younger, of Ardkinglafs; James Halyburtoun, of Pitcur; Alexander Abercrombie, of Glasföch; Alexander Douglass, of Eagilshaw; and John Bruce of Kinross.

Of the Burrows, Sir Patrick Johnston, Lieutenant-colonel John Areskine, Hugh Montgomery, James Scot, Sir John Areskine, Mr. Patrick Moncrieff, Sir Andrew Home, Sir Peter Halket, Sir James Smollet, Sir David Dalrymple, Mr. John Clerk, Mr. Patrick Ogilvie, George Allardice, Daniel Campbell, and Mr. Alexander Maitland.

Adjourned till Monday next at ten o'clock.

OBSERVATION LXXIV.

It was sufficiently known, that Her Majesty designed the Parliament then sitting in England, should, in conjunction with the representatives from Scotland to be chosen, make up the first Parliament of Great Britain, though the proclamation was not exhibited till a great while after; nor did the Queen signify her intentions on that head to the English Parliament till the twenty-fourth of April after: however, as this matter had cost some debate in the House, and was at last resolved on, they made their election as per the minute. The opposers of the Union made a noise, said they had chosen all their own creatures; that they were partial to a party, and the like: but the time of taking notice of such things was now over; the election was made calmly enough, and the names immediately published all over the kingdom, besides being put in the minutes as above.

MINUTE LXXV.

Monday, February 17, 1707.

Prayers said.

Rolls called.

Then the act for plantation of kirks, &c. again read, and was thereafter read by paragraphs, and after the first paragraph was read, it being moved, "That the matter of plantation of kirks, &c. be remitted to a commission:" after debate thereon, the question was put, "If the matter of plantation of kirks,

“ and valuation of teinds shall be remitted to a commission, or to the Lords
“ of Council and Session;” and it carried, “ To the Lords of Council and
“ Session.”

Then a clause was offered in favours of the Macers of Privy Council, in these terms, declaring, “ That the Macers of Privy Council, who, by their
“ gifts, did attend and officiate before the said commission of Parliament,
“ shall continue to attend and officiate before the said Lords of Session, in the
“ matter committed to them by this act, as they were in use to do before the
“ said commission, and none else :” and after reasoning thereon, the vote was put, “ Add the clause or not;” and it carried, “ Add.”

And after some amendments, the said act was read over, then the vote was put, “ Approve of the act or not;” and it carried, “ Approve.”

Thereafter the draught of an act for additional præmiums on the exportation of victual till the first of May next, again read; and after reasoning thereon, and the addition of a clause thereto, it was put to the vote, “ Approve of the
“ act or not;” and it carried, “ Not.”

Then the act, dissolving the feu-duties of kirk-lands from the Crown, and discharging the reversion thereof, again read, and after some amendments, it was put to the vote, “ Approve the act or not;” and it carried, “ Approve.”

Overture for an act concerning chirurgeons and apothecaries in Edinburgh, given in and read, and it was put to the vote, “ Mark a first reading thereon
“ or order it to lie on the table;” and it carried, “ Mark a first reading :” and the same was ordered to be printed before a second reading.

Adjourned till Thursday next at ten o'clock.

M I N U T E LXXVI.

Thursday, February 20, 1707.

Prayers said.

Rolls called.

Draught of an act, discharging musters and rendezvouzes, and prorogating the suspension of the clause in the act of Security thereanent, till the first day of January next to come, given in and read, and a first reading ordered to be marked thereon.

Adjourned till to-morrow at ten o'clock.

MINUTE

M I N U T E LXXVII.

Friday, February 21, 1707.

Prayers said.

Rolls called.

Then the act discharging musters and rendezvouzes, till the first day of January next, and prorogating the suspension of the clause in the act of Security thereanent till the said time, which is in these terms: "That the whole
 " Protestant heretors, and all the burghs within this kingdom, shall furthwith
 " provide themselves with fire arms for all the fencible men who are Protef-
 " tants within their respective bounds; and the said heretors and burghs are
 " thereby impowered and ordained to discipline and exercise their fencible
 " men once in the month at least;" was read a second time; and after some amendments and reasoning thereon, the vote was put, "Approve of the act
 " or not;" and it carried, "Approve."

Agreed, that the Parliament will, next *federunt* take into their consideration the several reports of the Committee anent the coyn; the accompts of the African and Indian Company; and anent public debts: and that the petition for Colonel Patrick Ogilvie, of Carnes; Sir John Schaw, of Greenock; and Sir Archibald Campbell, of Clunies, be likewise taken into consideration the first *federunt* for private business, previous to all other.

Thereafter the act anent plantation of kirks, and valuation of teinds, and the above act discharging musters and rendezvouzes, &c. were both touched with the royal scepter, by Her Majesties High Commissioner, in the usual manner.

Adjourned till Wednesday next at ten o'clock.

O B S E R V A T I O N LXXV, LXXVI, AND LXXVII.

The church act about kirks and teinds was now settled; the motion of having these things still referred to a parliamentary commission was thought to proceed from these, who were willing it should remain in the same condition it had lain in for a long time, viz. unsettled and unprovided for; since it must yearly put the persons concerned to make application to the Parliament of Britain, which was remote, and very troublesome to get such commission settled, or triennially at least. And whereas, while it lay before their own Parliament, it had, for some years, been unsettled, and the church left, as it were, unguarded in those affairs; it might much more be supposed to be neglected if referred to the British Parliament: that, at the end of every Parliament, which at farthest would be but three years, this matter
 behaved

behoved to be laid before them again, and diligently solicited, in order to have it effectually settled. This, therefore, was vigorously opposed; and it was carried to be referred to the Lords of the Session, as per the act. Vide the Appendix, N^o. K. x. x.

The premiums and drawbacks on the exportation of corn had been settled, as before is observed, and are inserted in the Union, as per the act appears: but, in regard the Union was not to take place till May, and the want of those allowances might put a stop to the exportation in the mean time, and particularly, that there was a great Dutch fleet, and several Norway ships, in the port of Leith at that time, which would, in case of the encouragements now to be given, carry away a great quantity of corn, before the first of May; which exportation of corn would be a great advantage to the country, therefore this short-lived act was proposed for the encouragement of trade. But it was alledged, that the term of the commencement of the Union was so near, that no convoy would stir, or ships sail before that time would be come, and the advantages would be the same to the merchant; upon which the bill was dropped in the House, and came to nothing.

The debate about surgeons and apothecaries never came to any head; the design was to authorise the apothecaries and surgeons to administer physic without the assistance or prescription of the physicians in extraordinary cases. It would have been perhaps a contested thing, if the House had been of longer continuance, but the end of the Parliament being so near, there was no time for it.

The act about kirk lands and discharging the feu-duties, was a necessary law at that time in some special causes, and met with no opposition.

The House sat on Thursday the twentieth of February, but was wholly employed about private business, which I have all along omitted as not to the purpose: on the twenty-first they did little but read the bill about prohibiting musters, &c. and past it with the church act.

MINUTE LXXVIII.

Wednesday, February 26, 1707.

Prayers said.

Rolls called.

Report of the Committee anent the accompts of the African and Indian Company, was brought in and read; and it was moved that the same should be printed for information.

Moved

Moved also, to proceed to the consideration of the said report, and that the same be read and proceeded on paragraph by paragraph.

And after reasoning thereon, the vote was stated, "Proceed to the consideration of the Report, or print the same."

And before voting, it was agreed, that if it should carry, "Print," the same should, notwithstanding thereof, be proceeded on the next *federunt* of Parliament.

Then the vote was put, "Proceed or print," and it carried, "Print."

Adjourned till Monday next at ten o'clock.

M I N U T E LXXIX.

Monday, March 3, 1707.

Prayers said.

Rolls called.

Report of the Committee anent the accompts of the African and Indian Company again read.

As also, an overture anent the accompts of the said Company brought in and read; and after discourse thereon it was moved, "To proceed on the report of the Committee."

Moved also, "To delay proceeding till the next *federunt* of Parliament, that the overture be printed:" and after debate it was put to the vote, "Proceed to the report of the Committee, or print the overture;" and it carried, "Print."

Representation from the Council of Trade, reporting to the Parliament their procedure, and recommending their clerk and other persons employed by them, for a gratification for their pains, read; and it was agreed, to give the Council of Trade the thanks of the House for their pains and attendance; and to take the case of the clerk and other persons employed by them to consideration when the Parliament comes to consider the public debts.

Adjourned till Wednesday next at ten o'clock.

M I N U T E LXXX.

Wednesday, March 5, 1707.

Prayers said.

Rolls called.

Petition for the officers of the army, in relation to the payment of their arrears read; and it was agreed that the same shall be taken to consideration when the Parliament comes to consider public debts.

Report

Report of the Committee anent the accompts of the African and Indian Company again read ; as also the overture anent the accompts of the said Company ; and after reasoning thereon,

It was agreed, that those of the African Company who payed the first moiety of the seven and a half per cent., and therein got allowance of the annualrent of twenty-five per cent. formerly payed from the first of June 1696, till the first of August 1698, shall not now have allowance of the annualrent of the said twenty-five per cent. preceding the first of August 1698, and remitted to the Committee to rectifie the accompt accordingly.

The Committee appointed to meet to-morrow at nine o'clock.

Adjourned till Friday next, at ten o'clock.

M I N U T E LXXXI.

Friday, March 7, 1707.

Prayers said.

Rolls called.

This day the Parliament was only employed on private business.

O B S E R V A T I O N S LXXVIII, LXXIX, LXXX, AND LXXXI.

The House had now very little public business before them ; the affair of the African Company, and such things as related to the payment of the equivalent were the principal matters : and this is the reason of putting so many days minutes together, in which I omit the private affairs before them as not to my purpose.

The Committee had been long upon the affair of the equivalent, they had settled the coin, and given in the report as before : the next thing was, to state the accounts of the African Company, and this having taken them up a great deal of time, was at last settled, and reported by the Committee, and is as follows :

Report of the Committee concerning the Indian and African Company.

Edinburgh, February 21, 1707.

THE Committee to whom it was remitted, to consider what the capital stock and interest of the African Company may amount to, and how and to whom the same shall be paid, having considered the foresaid remit, with a represen-

tation given in to them by the Directors of the said Company, and the Companies books and accounts of money payed in to them, with the instructions relative thereto; and a report of a Sub-Committee of their number, who did inspect and examine the said Companies books, with the said accounts and instructions, and did calculate the sums therein contained, find, that the total capital stock advanced by the Proprietors of the said Company, with interest thereof at five per cent., from the respective terms at which the same was payable, to the first of May, one thousand seven hundred and seven, extends in all to two hundred and twenty-nine thousand four hundred and eighty-two pounds fifteen shillings one penny and five-sixths of a penny sterling: and that the total accounts of the debts due by the Company, the instructions whereof were also produced to and considered by the Committee, extends in principal and interest, to the sum of fourteen thousand eight hundred and nine pounds eighteen shillings eleven pence sterling: both which sums together, amount to two hundred and forty-four thousand two hundred and ninety-two pounds fourteen shillings and five-sixths of a penny sterling; out of which sums is to be deduced, of money lent to severals of the Proprietors, with the interest thereof, the sum of one thousand one hundred and twenty-six pounds thirteen shillings nine pence and five-sixths of a penny: so that there remains yet due to the Proprietors of the said Company, of neat ballance, upon the first of May next, the sum of two hundred and forty-three thousand one hundred and sixty-six pounds three pence sterling; which sums the Committee are of opinion should be payed in to the Company, or these commissioned by them, out of the equivalent upon the first day of May next. And the Committee are of opinion, that the Court of Directors and Council General nominate some particular persons, who shall be authorised to receive the said capital stock and interest payable to the Company, from the Commissioners to be appointed for the equivalent, and who shall be empowered to grant a discharge thereof, with absolute warrantice; and that the said persons so to be named, in conjunction with a Committee of Parliament, to be named as overseers, shall be liable for the said money's being truly applied and payed to the Proprietors without loss, delay, or defalcation; and that the receipts granted by the Companies cashiers, or extracts of the Proprietors payment out of their books, shall be a sufficient instruction of each mans share, to intitle them to demand payment thereof, which extracts shall be given gratis: and that the certificate, or extract out of their books, shall be a sufficient warrant for a charge of horning for payment of their shares, against the persons to be named who receives the money. And the Committee are of opinion, that Gavin Plummer, and Andrew Cockburn, who were cashiers of the said Company when the sums of money foresaid were payed in to the Company,

pany, should now be the cashiers and tellers for receiving the sums above written from the Commissioners of the equivalent, and for paying out and delivering the same to the respective proprietors and others deriving right from them, upon the said Gavin Plummer, and Andrew Cockburn, their finding sufficient caution of their faithfulness, in performing the premises in the same manner as they found formerly; and in case the said sum be not payed at the said first of May next, to the persons foresaid, then, and in that case, the Committee are of opinion, that the sum of one hundred and fifty-five thousand fifty-four pounds fifteen shillings and two-thirds of a penny, as a part of the said total sum due and payable at the said first day of May next, should bear annualrent from and after the said first day of May, during the not payment thereof; and that the annualrent after the first of May foresaid, effeiring to the said sum of one hundred and fifty-five thousand and fifty-four pounds fifteen shillings and two-thirds of a penny, should be payed out of the equivalent, in the same manner, and to the same persons, as the principal sum and annualrents due before the said first of May next.

And also the Committee find, that the debts due to the Company, by the Proprietors, of their subscription money, with interest till the first of May next, extends to the sum of twenty-two thousand nine hundred and fifty-one pounds three shillings three pence and three-sevenths of a penny; which sum, the said Committee are of opinion, needs not to be sought in from the said debtors, in regard the same behoved to be payed back to them, and would increase the capital stock due to the Company.

And the Committee find, that the dead stock belonging to the said Company, and consisting of the ship the Caledonia, lying in the river of Clyde, with her furniture, guns, and apparelling; that lodging at the back of Milns Square, over against the Tron Kirk, with some little household plenishing therein, and the Companies share of the cargo of the Speedwell, shipwrecked in the East Indies, effeiring to the stock of six hundred pounds sterling; with the burden of cellar rent of the stores of the Caledonia, and the expences of keeping the said ship after the first of May; and of the freight, seamen and factors wages of the said cargo of the Speedwell, and other supervenient charges upon the said ship and cargo, doth, in the whole, extend to one thousand six hundred and fifty-four pounds eleven shillings and two-thirds of a penny sterling; as to which, the Committee having considered, that the Commissioners of the Council General and Directors, who are to receive the money, and grant discharges therefore, are not only to be bound in absolute warrandice by the said discharges, but be obliged to give personal attendance, both at receiving in and giving out the said money, and to keep an office for that effect, and to pay cashiers, tellers, and book-keepers, and to provide

books, chests, and other conveniencies for receiving and keeping the money, until it be payed out; and will be likewise obliged and burdened to employ advocates, writers, and other persons, for advising the discharges to be granted at receiving and paying out of the money, and defending processes on competition of rights, or making up of sufficient titles in the person of these who are to receive out the money; and the necessary attendance and loss of time of the saids Commissioners of the Council General and Directors, both for by-gones and in time coming, and the losses upon telling, at receiving in and giving out of the money; the said Committee are of opinion, that the foresaid dead stock, extending in hail, with and under the said burden, to the said sum of one thousand six hundred and fifty-four pounds eleven shillings and two-thirds of a penny sterling, ought to be allowed to the said Company, and retained by them for the ends and uses foresaid, and particularly to enable the Council General and Directors of the said Company to pay such necessary allowances and satisfaction to the several gentlemen who suffered in their persons and goods for the Companies services, as their services, losses, and sufferings do justly merit.

And the Committee having considered the act of Parliament establishing the Company, privileges therein-contained, and that part of the representation relating thereto, they are of opinion, that, when the Company is dissolved, and the capital stock and interest paid in by the Commissioners, and others intrusted with the equivalent, to the hands of the Commissioners appointed by the Council General and Directors to receive the same, every Proprietors share may be recovered out of the hands of the said Commissioners, to be appointed by the said Council General and Directors, as other money belonging to private persons.

Sic subscribitur HADDINGTON, I. P. C.

On the third of March the report of the Committee was only again read, and little done, the day being taken up on private business.

On the fifth they spent a little time in considering farther the report of the Committee; and read an overture concerning the debts of the Company; which, as it was the foundation of the act that afterwards passed, and by which all this matter was settled, I think it very needful to publish it, and have therefore placed it in the Appendix, N^o. A. x. x

Upon this overture, as is above noted, together with the report of the Committee, the act for settling the payment of these things out of the equivalent to the African Company was built, and the regulation being exactly set down in the print, any farther observation seems needless.

M I N U T E LXXXII.

Monday, March 10, 1707.

Prayers said.

Rolls called.

Thereafter the Six Clerks of Session were recommended to Her Majesty, and to the Lords Commissioners of Her Majesties Thesaurary and Exchequer, and other managers of the publick revenues, for payment of the gratification allowed to them by the Parliament, for their pains and services in the terms of a recommendation thereanent.

Report brought in from the Committee, to whom it was remitted the fifth instant, to reconsider the accompt due to the Indian and African Company, was read; whereby deducing the annualrents formerly allowed by the Company, the total of the sums due to the Company, of stock, interest, and debts, at the first of May next, will only extend to 232884l. 5s. 0²/₃d. sterling.

And after some reasoning thereon, the vote was put, “ Approve of the above sum as the quota, yea or not,” and it carried, “ Approve.”

Thereafter it was moved, “ That seeing the quota due to the Indian and African Company was now established; that the distribution of the above quota shall be committed to the Commissioners appointed, or to be appointed for disposing of the equivalent, who are to be under the same obligations and qualifications, and lyable to the same diligence to the severall proprietors and creditors of the Company, as is contained in the Report of the Committee.”

And it was also moved, “ That the above hail quota shall be payed in together, to such persons as are, or shall be appointed by the Council General or Directors of the Company, for distributing thereof in the above terms.”

And after some debate, a vote was stated, “ Whether the quota due to the Indian and African Company shall be payed by the Commissioners for disposing of the equivalent (who shall be lyable conjunctly and severally, *in solidum*, to a charge of horning, as upon forreign bills and inland precepts, and that the payment shall be made by the said Commissioners to each particular Proprietor without delay, loss, or defalcation; and that the saids Commissioners, nor any of them, or any other in their name, upon their account, or for their behove, shall not take right to the saids debt, or make compositions or transactions thereanent, under the pain of infamy and other pains of law) or to persons to be appointed by the Council General and Directors of the Company.”

But before voting, it was agreed, that the members votes be marked, and that the list of their names, as they shall vote, be printed and recorded.

Then

Then the vote was put, “ Whether the money shall be payed by the disposers of the equivalent to the Proprietors ; or to persons to be appointed by the Council General ;” and it carried, “ To the Proprietors.”

Ordered, That the Directors of the Indian and African Company shall, betwixt and the first day of May next to come, make up exact lists of the respective debts which then fall due to the several Proprietors of the said Company, or to such persons to whom the same is transferred by the first Proprietors, and that the said lists so made up, shall be subscribed by five of the Directors, and by them be delivered in to the managers of the equivalent, betwixt and the said day.

As also ordered, that the said Directors shall, when required, give out to every Proprietor, or person in whose favours transferences are, or shall be made, exact abbreviates of the particular sums which fall due to each of them, at the said first day of May next, subscribed by three of the said Directors, and that gratis, in order to the Proprietors or persons to whom the same is transferred, their demanding payment thereof, or using diligence therefore.

Ordered likewise, that the said Directors shall, betwixt and the said first day of May next to come, make up an exact accompt of all debts due by the said Company, and to whom, and of the extent of every creditors debt at the said first day of May next ; and that they shall, betwixt and the said day, deliver to the disposers of the equivalent, the said accompt duly subscribed by five of the said Directors ; as also, that they shall give out to every creditor, an abbreviate of the particular debts due to him, gratis ; which is to be subscribed by three of the said Directors to the effect foresaid.

Ordered, that diligence shall pass, and be directed at the instance of the disposers of the equivalent, against the Directors of the said Company, for recovering exact lists and accompts of all the debts of the Company immediately after the said first day of May next, in case of their deficiency.

Ordered also, that the said Directors shall, betwixt and the first day of May next, make up and deliver in as above, exact lists and accompts of the dead stock of the said Company ; and that the said Directors shall have allowance of the sum of 300*l.* sterling, out of the first and readiest of the price of the Companies House, to be disposed of by them, for defraying the charges of making up the lists and accompts.

And upon a petition given in by Captain Colin Campbell, Captain Charles Stuart, Lieutenant Robert Turnbull, who were sufferers and losers in the Companies expedition and service, there was a sum allowed to them out of the said dead stock, conform to an interloquitor on their petition.

Agreed

Agreed also, That, upon the Commissioners for disposing the equivalent, their receiving of the above sum of 232884 lib. 5 sh. $\frac{2}{3}$ sterling, there shall be a proclamation issued from the Privy Council, certiorating the lidges, that the said sum is in their hands, and thereupon agreed, that the said Company be dissolved.

Report brought in from the Committee anent the coyn, was read, and the farther consideration thereof delayed till next *sederunt* of Parliament.

Adjourned till to-morrow, at ten o'clock.

M I N U T E LXXXIII.

Tuesday, March 11, 1707.

Prayers said.

Rolls called.

Report brought in from the Committee, anent the payment of some debts found due by the African and Indian Company, not formerly stated, out of the dead stock of the said Company, and recommending several other persons in consideration of their losses and sufferings, to be payed out of the said dead stock, read, and the report approven, as to the payment of the Company's debts out of the dead stock, and the remainder of the said dead stock after payment of 650 lib. sterl. formerly appointed to be payed furth thereof, and after payment of the above debt; was granted to be applyed and divided amongst the persons mentioned in the said report, and among the representatives of Mr. Alexander Ogilvie, Andrew Brown, Hugh Ross, and Captain Alexander Montgomery, and none other, by such proportions as the Committee shall think fit, to whom the determination thereof is remitted.

Report of the Committee anent the coyn again read, and the first paragraph thereof thereafter read, and after some debate thereon, the farther consideration adjourned till next *sederunt* of Parliament.

Adjourned till Thursday next at ten o'clock.

M I N U T E LXXXIV.

Thursday, March 13, 1707.

Prayers said.

Rolls called.

Report of the Committee anent the coyn again read, and upon reading of the second paragraph of the said report, that for making up of the losses which private persons may sustain by the English money, as its now current in this kingdom; particular persons be appointed, before whom all persons are by
procla-

proclamation to be required to compare and tell down what English money they have.

It was moved, "That the filling up of the persons and places where the money is to be told down, be remitted to the Privy Council."

And after some discourse thereon, the vote was put, "Remit to the Privy Council to name the persons, places, and time; or determine in Parliament;" and it carried, "Remit."

Agreed, that the loss by the silver coyned is only to be made up.

And after several other additions and amendments, the report of the Committee, as amended, was approved *nemine contradicente*.

And it was remitted to the Privy Council to emit a proclamation thereanent, in such terms, and with such orders, and appointing the execution thereof after such method and manner, as they shall think fit, conform to a particular remit and order of Parliament thereanent.

Adjourned till Monday next at ten o'clock.

M I N U T E LXXXV.

Monday, March 17, 1707.

Prayers said.

Rolls called.

Overture for an act for selling herring by measure, read, and ordered to be printed.

Overture for an act for rescinding the 15th act of the 5th session of King William's Parliament, entituled, "Act for encouragement of preachers at vacant churches be North Forth;" and the 13th act of the 6th session of King William's Parliament, entituled, "Act in favours of the African and Indian Company," read, and ordered to ly on the table.

Overture for an act for payment of the capital and interest to the Proprietors of the African and Indian Company of Scotland out of the equivalent, read, and after some amendments, a first reading ordered to be marked thereon, and ordered to be printed before a second reading.

Act for burying in woollen read a second time, and after reasoning thereon, it was put to the vote, "Approve of the act or not;" and it carried, "Approve."

Overture for an act concerning chirurgeons and apothecaries in Edinburgh, read a second time.——Petition for the Royal Colledge of Physicians in Edinburgh against the said act also read; and after reasoning, it was moved, That the physicians ought to be cited before the act can pass; and it was
also

also moved, that the physicians be heard thereanent next *Sederunt* of Parliament.

And after further reasoning, the vote was stated, Hear the parties procurators next *Sederunt*, or *Cite*; and it carried *Cite*.

Adjourned till Wednesday next at Ten a Clock.

OBSERVATIONS LXXXII, LXXXIII, LXXXIV, LXXXV.

‘ The Committee had now settled the sum, which in the gross was to be paid to
‘ the Proprietors of the African Company; the question that remained was, by
‘ what method it should be distributed, and to whom it should be paid;—
‘ two motions were made about it.

‘ 1. That it should be paid out by the Commissioners who were to be
‘ appointed for the general distribution of the Equivalent, and by them im-
‘ mediately paid to the persons, who had a right to the payment by act of
‘ parliament.

‘ 2. Some thought this was dishonourable to the Directors of the Com-
‘ pany, and they moved, that they should appoint persons to receive and
‘ distribute the money, but this last met with very little approbation.

‘ I care not to take notice of some disputes that happened upon this occasion,
‘ because they seemed to make personal reflections;—and only signified, that
‘ some people were more jealous of one another, than I hope there was occasion
‘ for on either side;—but it was evident, the people who were to receive the
‘ money, were generally most concerned to have it paid them by the Commis-
‘ sioners of the equivalent immediately, as being the surest method, and so it was
‘ at last agreed.

‘ The money being thus directed, and who should have the payment; it is not
‘ material to take notice of the several claims put in, debts demanded of the com-
‘ pany, and services to be rewarded; they were all matter of private interest, and
‘ I omit them of course.

‘ The affair of the Coyn, and the report of the Committee, I have noted
‘ already; and as it issued in a proclamation, and that proclamation recited the
‘ report of the Committee, I have inserted the whole in the Appendix N^o I. 3.

‘ On the seventeenth the act for the payment of the capital and interest of
‘ the African and Indian Company was read, and little more but private business
‘ was done; the Union was now finished in England, and expected down every
‘ day, and the Parliament, saving the dispatch of some private bills, had nothing
‘ before them but the African affair, which held them just to the end of their
‘ time.’

M I N U T E LXXXVI.

*Wednesday, 19 March, 1707.**Prayers said,**Rolls called,*

Then my Lord Commissioner made the following speech, viz. “ My Lords, and Gentlemen, I have received by Her Majesties command an exemplification, under the Great Seal of England, of the act past in the Parliament of that kingdom, ratifying the Treaty of Union in the same terms as the Treaty was past here.

“ Her Majesty orders it to be inserted in the books of Parliament, and to remain with the records of this kingdom; for which end I have put it in my Lord Clerk Register’s hand.

“ My Lords, and Gentlemen, It is a great satisfaction to the Queen, that the Union is thus happily concluded in her reign; and I’m commanded by her Majesty to assure you, that nothing shall be omitted on Her part, to make the whole island feel the good effects of it.

“ And as I doubt not but the finishing of this great affair is acceptable to you, so I hope you will study to promote a cordial Union with our neighbours, for the greater happiness and advantage of both kingdoms.”

Then the exemplification of the act of parliament of England ratifying the Treaty of Union betwixt Scotland and England, under the Great Seal of England, was read, and ordered to be recorded.

Act for securing the Protestant religion, and Presbyterian Church Government. Act ratifying and approving the Treaty of Union of the two kingdoms of Scotland and England: And act for settling the manner of electing the sixteen Peers and forty members to represent Scotland in the Parliament of Great Britain, were ordered to be proclaimed and printed.

Thereafter the act for payment of the capital and interest to the proprietors of the African and Indian Company of Scotland out of the equivalent, was again read: As also read over by paragraphs.

And upon reading the last paragraph, a petition for the Earl of Crawford, craving that a debt due to the deceased Major John Lindsay, by the African Company, might be allowed out of their effects, was read, and an allowance was granted in the terms of a deliverance thereon.

As also, upon another petition given in by the relict of Captain Baillie, who died in the said Companies Service, for some allowance for her great loss, an Allowance was also granted to her in the terms of a deliverance thereon; and
after

after several amendments were made upon the said act, the same was voted and approved.

Adjourned till Friday next at Ten a Clock.

O B S E R V A T I O N LXXXVI.

‘ Now the work drew towards a close, the long hopes of those people who
‘ promised themselves doubts, delays, and long hesitations in England, were in-
‘ tirely vanished, and people were generally surprized at the Treaty being so
‘ readily and so summarily past in England; the gentlemen on the other side had
‘ two kinds of expectation from the parliament of England.

‘ 1. Delay and length of time, in debating and disputing with amend-
‘ ments, conferences, and free conferences between the upper and lower
‘ house of Parliament in England, according to the known way and usage,
‘ in cases of such difficulty as this was.

‘ 2. Amendments or alterations, which might occasion the respective
‘ Articles so amended, to be remitted or returned to the Parliament of Scot-
‘ land, to be reconsidered, by which means not the particular articles only,
‘ but perhaps the whole treaty might necessarily go through the hands of
‘ the Parliament in Scotland again, and so the time which began to approach,
‘ viz. The first of May, at which time the Union was to take place, should
‘ be elapsed; and so it might be put off to another Parliament, and the work
‘ be to be done over again.

‘ But all men were surprized, when they understood the Parliament of Eng-
‘ land had past it in the gross, without the least deviation, alteration, or amend-
‘ ment.

‘ The additions which the English Parliament made, by inserting the Act of
‘ Security for the Church of England in the body of the Union, agreeable to
‘ the same in Scotland, was nothing but what was provided for, according to that
‘ clause before noted, in these terms; That the Parliament of England may
‘ provide for the security of the Church of England, as they think expedient,
‘ to take place within the said bounds of the kingdom of England, and not dero-
‘ gating from the security above provided, for establishing the Church of Scot-
‘ land within the kingdom of Scotland, as *per* the Act of Ratification appears;
‘ which Ratification, with the exemplification as it came down from England, is at
‘ large printed immediately after these minutes.’

M I N U T E LXXXVII.

*Friday, 21 March, 1707.**Prayers said,**Rolls called,*

Upon a representation by the Directors of the African Company; That, since the Committees Report, anent the debts of the said Company, and Act of Parliament thereupon, there appears some small claims against the Directors upon the Companies account; The Parliament did recommend to the Commissioners for the Equivalent, to pay such further sums, as shall be duly instructed by the Directors on the Companies account, not exceeding the sum of one hundred and fifty pounds sterling.

Warrant granted to cite the Physicians of the Royal Colledge of Edinburgh in common form, upon a petition given in by the Chirurgeon Apothecaries.

Report of the Committee anent the publick debts read, and an overture for an act concerning publick debts also read; and a first reading ordered to be marked thereon, and ordered to be printed before a second reading.

Adjourned till Monday next at Ten of the Clock.

M I N U T E LXXXVIII.

*Monday, 24 March, 1707.**Prayers said,**Rolls called,*

Additional lists of Commissioners of Supply for several shires given in and read, and ordered to be added to the Commissioners formerly named for the said respective shires.

Thereafter the act concerning public debts read a second time, and again read over by paragraphs, and after some amendments and additions, the act as amended was voted and approved.

Then it was moved, that now, in the conclusion of the Parliament, a letter to her Majesty be brought in; and a draught of a letter being accordingly brought in and read, the same, after some amendments, was voted and approved.

Thereafter the following petitions, viz. Petition, Thomas Lockhart, Surveyer at Leith; Petition Enten William Dick; Petition Mr. Robert Henderson Bibliothecar of the Colledge of Edinburgh, were all moved, and recommended to her Majesty, in the terms of the deliverances on their respective petitions.

Petition Alexander Black and partners of a starch manufactory for endowing their work with the privileges of other manufactories, and for imposing a duty on foreign starch, read, and the desire thereof granted in part, conform to a deliverance on the petition.

James Finlayson servitor to Mr. Robert Alexander, one of the Clerks of Council and Session, recommended to her Majesty's Thesaury, conform to a deliverance on his petition.

Petition John Hamilton Town Clerk of Irvine moved, and recommended to her Majesty in the terms of a deliverance thereon.

Adjourned till to-morrow at Ten of the Clock.

MINUTE LXXXIX.

Tuesday, 25 March, 1707.

Prayers said,

Rolls called,

James Cunninghame of Auchinbarvie younger, was upon his Petition recommended to her Majesty in the terms of the deliverance thereon.

The Lord President and remanent Lords of Council and Session recommended in a special manner to her Majesty for the augmentation of their salaries, conform to a recommendation apart:

The macers and clerk's servants, and keepers and servants of the house, recommended to the Lords of her Majesty's Thesaury, for a gratification for their attendance and service this Session of Parliament, conform to deliverances on their respective petitions:

James Steven, usher, likeways recommended to the Lords of Thesaury upon a petition, conform to a deliverance thereon.

William Bayne, upon a petition, recommended to her Majesty, conform to the deliverance on the said petition.

Acts of Ratification in favours of several persons read and past.

Protestation taken in favours of the Duke of Hamilton against one of the above ratifications in favours of the Duke of Douglass, in so far as concerns his first vote in Parliament, and other precedencies therein-mentioned.

As also several warrants for fairs read and granted.

Ordered, that the fairs granted this session of Parliament, if not extracted within six months, shall be void and null.

It being moved to recommend Mr. William Paterson to her Majesty for his good service; after some reasoning thereon, it was put to the vote, recommend him to her Majesty, or not; and it carried, recommend.

Alexander Baillie, servitor to the Lord Register, recommended to the Lords of Thesaury, on a petition conform to deliverance thereon.

The

The following Acts, viz. Act in favours of the Incorporations of Edinburgh for a maiden hospital, Act in favours of the town of Dundee, Act in favours of the town of Aberdeen, Act in favours of the Duke of Hamilton and Town of Borrowstouness, Act in favours of the Burgh of Kirkaldie, Act renouncing the reversion of Kirk-lands, Act in favours of the burgh of Kinghorn, Act for clearing the Passage through the Mary-Wind, in the burgh of Sterling, Act in favours of the Earl of Linlithgow and Callendar, Act in favours of the Lady Littlegill and her Son, Act of naturalization of John Henry Huguetan, Act for the naturalization of several foreigners, Act for preserving the Game, Act in favours of the Earl of Buchan, Act of dissolution of the mines and minerals belonging to his grace the Duke of Queensberry, Act for burying in Woollen, Act in favours of the maiden hospital, founded by the company of merchants and Mary Erskine, Act concerning the payment of the sums out of the Equivalent to the African company, and Act concerning the publick debts, were all touched with the royal scepter by her Majesty's High Commissioner in the usual manner.

Act Salvo Jure Cujuslibet read, and it being again read over, it was voted and approven, and touched with the royal sceptre by her Majesties High Commissioner in the usual manner.

Then his Grace Her Majesties High Commissioner made the following speech.

My Lords and Gentlemen,

The publick business of this session being now over, it is full time to put an end to it.

I am perswaded, that we and our posterity will reap the benefit of the Union of the two kingdoms, and I doubt not, that, as this parliament has had the honour to conclude it, you will, in your several stations, recommend to the people of this nation, a grateful sense of her Majesties goodness and great care for the welfare of her subjects, in bringing this important affair to perfection, and that you will promote an universal desire in this kingdom to become one in hearts and affections, as we are inseparably joyned in interest with our neighbour nation.

My Lords and Gentlemen,

I have a very deep sense of the assistance and respect I have met with from you in this session of Parliament; and I shall omit no occasion of shewing, to the outmost of my power, the grateful remembrance I have of it.

Adjourned till the Twenty-second Day of April next.

OBSERVATIONS LXXXVII, LXXXVIII, LXXXIX.

“ We are now come to the End of the work, the exemplification of the
 ‘ Treaty had been read and recorded, and all things relating to the Union
 ‘ was over.

“ What follows, amounted to nothing but passing and touching the
 ‘ private Acts of the Parliament that lay yet before them, and recommend-
 ‘ ing to her Majesty such persons as the Parliament thought merited well
 ‘ from the government, and most of whose employments were to cease with
 ‘ the alteration of the government—; and this being done, the Commis-
 ‘ sioner concluded the whole with a speech as above, and the Parliament
 ‘ broke up—, was adjourned as *per* the minute, and afterward, *viz.* the
 ‘ twenty-eighth of April, dissolved.”

Here follows the exact copy of the Act of Ratification of the treaty of Union, as it was passed in the Parliament of Scotland, with the exemplification thereof from England, as it stands recorded in Scotland, by order of the Parliament there.

Act ratifying and approving the Treaty of the two Kingdoms of Scotland and England.

January 16, 1707.

THE Estates of Parliament considering, that Articles of Union of the kingdoms of Scotland and England, were agreed on the twenty-second of July, one thousand seven hundred and six years, by the Commissioners nominated on behalf of this kingdom, under her Majesties great seal of Scotland, bearing date the twenty-seventh of February last past, in pursuance of the fourth act of the third session of this parliament, and the Commissioners nominated on behalf of the kingdom of England, under her Majesties great seal of England, bearing date at Westminster the tenth day of April last past, in pursuance of an act of Parliament made in England the third year of her Majesties reign, to treat of and concerning an Union of the said kingdoms; which Articles were, in all humility, presented to her Majesty, upon the twenty-third of the said month of July, and were recommended to this Parliament by her Majesty's Royal Letter of the date the thirty-one day of July, one thousand seven hundred and six; and that the said estates of Parliament have agreed to, and approved of the said Articles

ticles of Union, with some additions and explanations, as is contained in the Articles hereafter insert. And sicklike, her Majesty, with advice and consent of the Estates of Parliament, resolving to establish the Protestant Religion and Presbyterian Church Government within this kingdom, has past in this session of Parliament an act, intituled, Act for securing of the Protestant Religion and Presbyterian Church Government, which, by the tenor thereof, is appointed to be insert in any act ratifying the Treaty, and expressly declared to be a fundamental and essential condition of the said Treaty of Union in all time coming. Therefore, her Majesty, with the advice and consent of the Estates of Parliament, in fortification of the approbation of the Articles as above-mentioned, and for their further and better establishment of the same, upon full and mature deliberation upon the foresaid Articles of Union, and Act of Parliament, doth ratify, approve, and confirm the same, with the additions and explanations contained in the said Articles, in manner, and under the provisions after mentioned, whereof the tenor follows. I. ARTICLE, That the two kingdoms of Scotland and England shall, upon the first day of May next ensuing the date hereof, and for ever after, be united into one kingdom by the name of GREAT BRITAIN, and that the Ensigns Armorial of the said United Kingdom be such as her Majesty shall appoint, and the Crosses of St. Andrew and St. George be conjoined in such manner as her Majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land. II. That the succession to the Monarchy of the United Kingdom of Great Britain, and of the dominions thereunto belonging, after her most sacred Majesty, and in default of issue of her Majesty, be, remain and continue to the most excellent Princess Sophia, Electress and Dutchess Dowager of Hannover, and the heirs of her body, being Protestants, upon whom the Crown of England is settled by an act of Parliament made in England, in the twelfth year of the reign of his late Majesty King William the Third, intituled, An act for the further limitation of the Crown, and better securing the rights and liberties of the subject: and that all papists, and persons marrying papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the Imperial Crown of Great Britain, and the dominions thereunto belonging, or any part thereof; and in every such case, the Crown and Government shall, from time to time, descend to, and be enjoyed by such person, being a protestant, as should have inherited and enjoyed the same, in case such papist, or person marrying a papist, was naturally dead, according to the provision for the descent of the Crown of England, made by another act of Parliament in England, in the first year of the reign of their late Majesties King William and Queen Mary, intituled, An act declaring the rights and liberties of the subject, and settling the succession of

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the Crown. III. That the United Kingdom of Great Britain be represented by one and the same parliament, to be styled the Parliament of Great Britain. IV. That all the subjects of the united kingdom of Great Britain shall, from and after the Union, have full freedom and intercourse of trade and navigation, to and from any port or place within the said united kingdom, and the dominions and plantations thereunto belonging, and that there be a communication of all other rights, privileges and advantages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these articles. V. That all ships, or vessels, belonging to her Majesty's subjects of Scotland, at the time of ratifying the treaty of Union of the two kingdoms in the Parliament of Scotland, though foreign built, be deemed and pass as ships of the build of Great Britain: The owner, or where there are more owners, one or more of the owners, within twelve months after the first of May next, making oath, that, at the time of ratifying the treaty of Union in the Parliament of Scotland, the same did, in hail or in part, belong to him or them, or to some other subject or subjects of Scotland, to be particularly named, with the place of their respective abodes, and that the same doth then, at the time of the said deposition, wholly belong to him or them, and that no foreigner, directly or indirectly, hath any share, part or interest therein; which oath shall be made before the chief officer or officers of the customs, in the port next to the abode of the said owner or owners; and the said officer, or officers, shall be empowered to administer the said oath: and the said oath being so administered, shall be attested by the officer, or officers, who administered the same, and being registred by the said officer or officers shall be delivered to the master of the ship for security of her navigation, and the duplicate thereof shall be transmitted by the said officer or officers, to the chief officer or officers of the Customs in the port of Edinburgh, to be there entered in a Register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain. VI. That all parts of the united kingdom for ever, from and after the Union, shall have the same allowances, encouragements and drawbacks, and be under the same prohibitions, restrictions and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements and drawbacks, prohibitions, restrictions and regulations of trade, and the customs and duties on import and export settled in England, when the Union commences, shall, from and after the Union, take place throughout the whole united kingdom, excepting and reserving the duties upon export and import of such particular commodities, from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which, after the Union, are to remain safe and intire to them, in all respects, as before the same; and that,

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from and after the Union, no Scots cattle carried into England shall be liable to any other duties, either on the publick or private accounts, than these duties, to which the cattle of England are or shall be liable within the said kingdom. And seeing, by the laws of England, there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expressed, that, from and after the Union, when oats shall be sold at fifteen shillings sterling *per* quarter, or under, there shall be paid two shillings and six pence sterling for every quarter of the oatmeal exported in the terms of the law, whereby and so long as rewards are granted for exportation of other grains, and that the bear of Scotland have the same rewards as barley. And in respect the importation of victual into Scotland, from any place beyond sea, would prove a discouragement to tillage, therefore, that the prohibition, as now in force by the law of Scotland, against importation of victual from Ireland, or any other place beyond sea into Scotland, do, after the Union, remain in the same force as now it is, until more proper and effectual ways be provided by the Parliament of Great Britain, for discouraging the importation of the said victual from beyond sea. VII. That all parts of the united kingdom be for ever, from and after the Union, liable to the same excises upon all exciseable liquors, excepting only, that the thirty-four gallons English barrel of beer or ale, amounting to twelve gallons Scots present measure, sold in Scotland by the brewer at nine shillings six pence sterling, excluding all duties, and retailed, including duties and the retailer's profit, at two pence the Scots pint, or eight part of the Scots gallon, be not, after the Union, liable, on account of the present excise upon exciseable liquors in England, to any higher imposition than two shillings sterling upon the foresaid thirty-four gallons English barrel, being twelve gallons the present Scots measure, and that the excise settled in England on all other liquors, when the Union commences, take place throughout the whole united kingdom. VIII. That, from and after the Union, all foreign salt, which shall be imported into Scotland, shall be charged, at the importation there, with the same duties as the like salt is now charged with, being imported into England, and to be levied and secured in the same manner. But in regard the duties of great quantities of foreign salt imported may be very heavy on the merchants importers, that therefore all foreign salt imported into Scotland shall be cellared and locked up under the custody of the merchant importer, and the officers employed for levying the duties upon salt, and that the merchant may have what quantities thereof his occasion may require, not under a weigh or forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months; but Scotland shall, for the space of seven years from the said Union, be exempted from paying in Scotland, for salt made there, the duty or excise now payable for
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salt made in England: but, from the expiration of the said seven years, shall be subject and liable to proportional duties for salt made in Scotland, as shall be then payable for salt made in England, to be levied and secured in the same manner, and with the same drawbacks and allowances, as in England; with this exception, that Scotland shall, after the said seven years, remain exempted from the duty of two shillings and four-pence a bushel on home salt, imposed by an act made in England in the ninth and tenth of King William the Third of England. And if the Parliament of Great Britain shall, at or before the expiring of the said seven years, substitute any other fund in place of the said two shillings and four pence of excise on the bushel of home salt, Scotland shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of this treaty: and that, during the said seven years, there shall be payed in England, for all salt made in Scotland, and imported from thence into England, the same duties upon importation, as shall be payable for salt made in England, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in England. And that, after the said seven years, how long the said duty of two shillings and four-pence a bushel upon salt is continued in England, the said two shillings and four-pence a bushel shall be payable for all salt made in Scotland, and imported into England, to be levied and secured in the same manner; and that, during the continuance of the duty of two shillings and four-pence a bushel upon salt made in England, no salt whatsoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionally for a greater or lesser quantity; for which the carrier, as well as the owner, shall be liable jointly and severally, and the persons bringing or carrying the same to be imprisoned by any one justice of the peace by the space of six months without bail, and until the penalty be payed. And for establishing an equality in trade, that all fleshes exported from Scotland to England, and put on board in Scotland, to be exported to parts beyond the seas, and provisions for ships in Scotland, and for foreign voyages, may be salted with Scots salt, paying the same duty for what salt is so employed as the like quantity of such salt pays in England, and under the same penalties, forfeitures and provisions, for preventing of frauds, as are mentioned in the laws of England: And that, from and after the Union, the laws and acts of parliament in Scotland, for pineing, curing and packing of herrings, white fish and salmond for exportation with foreign salt only, without any mixture of British or Irish salt, and for preventing of frauds in curing and packing of fish, be continued in force in Scotland, subject to such alterations as shall be made by the Parliament of Great Britain; and that all fish exported from Scot-

land to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of British or Irish salt, shall have the same easements, premiums and draw-backs, as are or shall be allowed to such persons as export the like fish from England: and that, for encouragement of the herring fishery, there shall be allowed and payed to the subjects, inhabitants of Great Britain, during the present allowances for other fishes, ten shillings and five-pence sterling for every barrel of white herrings which shall be exported from Scotland; and that there shall be allowed five shillings sterling for every barrel of beef or pork salted with foreign salt, without mixture of British or Irish salt, and exported for sale from Scotland to parts beyond sea, alterable by the Parliament of Great Britain. And if any matters or fraud relating to the said duties on salt shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the Parliament of Great Britain.

IX. That, whenever the sum of one million nine hundred ninety-seven thousand, seven hundred and sixty-three pounds, eight shillings and four-pence half-penny shall be enacted by the Parliament of Great Britain, to be raised in that part of the united kingdom now called England, on land, and other things usually charged in acts of parliament there, for granting an aid to the crown by a land tax, that part of the united kingdom now called Scotland shall be charged, by the same act, with a further sum of forty-eight thousand pounds free of all charges, as the quota of Scotland to such tax, and so proportionally for any greater or lesser sum raised in England by any tax on land, and other things usually charged together with the land; and that such quota for Scotland, in the cases aforesaid, be raised and collected in the same manner as the cess now is in Scotland; but subject to such regulations in the manner of collecting, as shall be made by the Parliament of Great Britain. X. That, during the continuance of the respective duties on stamp paper, vellum and parchment, by several acts now in force in England, Scotland shall not be charged with the same respective duties. XI. That, during the continuance of the duties payable in England on windows and lights, which determines on the first day of August, one thousand seven hundred and ten, Scotland shall not be charged with the same duties. XII. That, during the continuance of the duties payable in England on coals, culm and cinders, which determines the thirtieth day of September one thousand seven hundred and ten, Scotland shall not be charged therewith for coals, culm, and cinders, consumed there, but shall be charged with the same duties as in England for all coal, culm and cinders, not consumed in Scotland. XIII. That, during the continuance of the duty payable in England on malt, which determines the twenty-fourth day of June, one thousand seven hundred and seven, Scotland shall not be charged with that duty. XIV. That the kingdom of Scotland be not charged with any other

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duties laid on by the Parliament of England before the Union, except those consented to in this treaty, in regard it is agreed, that all necessary provision shall be made by the Parliament of Scotland for the publick charge and service of that kingdom, for the year one thousand seven hundred and seven; provided, nevertheless, that, if the Parliament of England shall think fit to lay any further impositions, by way of customs, or such excises, with which, by virtue of this treaty, Scotland is to be charged equally with England, in such case, Scotland shall be liable to the same customs and excises, and have an equivalent to be settled by the Parliament of Great Britain; with this further provision, that any malt to be made and consumed in that part of the united kingdom now called Scotland, shall not be charged with any imposition upon malt during this present war; and seeing it cannot be supposed, that the Parliament of Great Britain will ever lay any sorts of burdens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom; therefore it is agreed, that there be no further exemption insisted upon for any part of the united kingdom, but that the consideration of any exemptions, beyond what are already agreed on in this treaty, shall be left to the determination of the Parliament of Great Britain. XV. Whereas, by the terms of this treaty, the subjects of Scotland, for preserving an equality of trade throughout the united kingdom, will be liable to several customs and excises now payable in England, which will be applicable towards payment of the debts of England, contracted before the Union; it is agreed, that Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England in all particulars whatsoever, in manner following, viz. That, before the Union of the said kingdoms, the sum of three hundred ninety-eight thousand and eighty-five pounds ten shillings be granted to her Majesty, by the Parliament of England, for the uses after-mentioned, being the equivalent to be answered to Scotland, for such parts of the said customs and excises upon all exciseable liquors, with which that kingdom is to be charged upon the Union, as will be applicable to the payment of the said debts of England, according to the proportions which the present customs in Scotland, being thirty thousand pounds *per annum*, do bear to the customs in England, computed at one million three hundred forty-one thousand five hundred and fifty-nine pounds *per annum*, and which the present excises on exciseable liquors in Scotland, being thirty-three thousand and five hundred pounds *per annum*, do bear to the excises on exciseable liquors in England, computed at nine hundred forty-seven thousand six hundred and two pounds *per annum*, which sum of three hundred ninety-eight thousand eighty-five pounds ten shillings shall be due and payable from the time of the Union: And in re-

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gard that, after the Union, Scotland becoming liable to the same customs and duties payable on import and export, and to the same excises on all exciseable liquors as in England, as well upon that account, as upon the account of the increase of trade and people (which will be the happy consequence of the Union), the said revenues will much improve beyond the before-mentioned annual values thereof, of which no present estimate can be made; yet nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to Scotland; it is agreed, that, after the Union, there shall be an account kept of the said duties arising in Scotland, to the end it may appear, what ought to be answered to Scotland, as an equivalent, for such proportion of the said increase, as shall be applicable to the payment of the debts of England. And for the further and more effectual answering the several ends hereafter-mentioned; it is agreed, that, from and after the Union, the whole increase of the revenues of customs and duties on import and export, and excise upon exciseable liquors in Scotland, over and above the annual produce of the said respective duties as above stated, shall go and be applied, for the term of seven years, to the uses hereafter-mentioned, and that, upon the said account, there shall be answered to Scotland annually, from the end of seven years after the Union, an equivalent, in proportion to such part of the said increase as shall be applicable to the debts of England; and generally, that an equivalent shall be answered to Scotland, for such parts of the English debts as Scotland may hereafter become liable to pay by reason of the Union, other than such, for which appropriations have been made by Parliament of England, of the customs or other duties on export and import, excises on all exciseable liquors, in respect of which debts, equivalents are herein before provided: And as for the uses, to which the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings to be granted as aforesaid, and all other moneys which are to be answered or allowed to Scotland as said is, are to be applied; it is agreed, that in the first place, out of the aforesaid sum, what consideration shall be found necessary to be had for any losses, which private persons may sustain, by reducing the coin of Scotland to the standard and value of the coin of England, may be made good: in the next place, that the capital stock or fund of the African and Indian Company of Scotland advanced, together with the interest for the said capital stock after the rate of five *per cent. per annum*, from the respective times of the payment thereof, shall be paid; upon payment of which capital stock and interest, it is agreed the said Company be dissolved and cease; and also, that, from the time of passing the act of Parliament in England, for raising the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, the said Company shall neither trade, nor grant licence to trade, providing, that, if the said stock and interest

shall not be payed in twelve months after the commencement of the Union, that then the said Company may, from thenceforward, trade, or give licence to trade, until the said hail capital stock and interest shall be payed: and as to the overplus of the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, after payment of what considerations shall be had for losses in repairing the coin, and paying the said capital stock and interest; and also the hail increase of the said revenues of customs, duties and excises above the present value, which shall arise in Scotland, during the said term of seven years, together with the equivalent which shall become due upon the improvement thereof in Scotland after the said term; and also, as to all other sums, which, according to the agreements aforesaid, may become payable to Scotland by way of equivalent, for what that kingdom shall hereafter become liable towards payment of the debt of England; it is agreed, that the same be applied in manner following, viz. That all the publick debts of the kingdom of Scotland, as shall be adjusted by this present Parliament, shall be payed; and that two thousand pounds *per annum*, for the space of seven years, shall be applied towards encouraging and promoting the manufacture of coarse wooll, within these shires which produce the wooll, and that the first two thousand pounds sterling be payed at Martinmas next, and so yearly at Martinmas during the space aforesaid; and afterwards, the same shall be wholly applied towards encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland, as may most conduce to the general good of the united kingdom. And it is agreed, that her Majesty be empowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain, for disposing the said sum of three hundred ninety-eight thousand and eighty-five pounds ten shillings, and all other moneys which shall arise to Scotland upon the agreements aforesaid, to the purposes before-mentioned; which Commissioners shall be empowered to call for, receive, and dispose of the said moneys in manner aforesaid, and to inspect the books of the several Collectors of the said revenues, and of all other duties from whence an equivalent may arise; and that the Collectors and Managers of the said revenues and duties be obliged to give to the said Commissioners subscribed authentick abbreviates of the produce of such revenues and duties arising in their respective districts; and that the said Commissioners shall have their office within the limits of Scotland, and shall in such office keep books, containing accounts of the amount of the equivalents, and how the same shall have been disposed of, from time to time, which may be inspected by any of the subjects who shall desire the same. XVI. That, from and after the Union, the coin shall be of the same standart and value throughout the united kingdom, as now in England, and a mint shall be continued in Scotland, under the same rules as the mint in England: And the present officers of
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the mint continued, subject to such regulations and alterations as her Majesty, her heirs or successors, or the Parliament of Great Britain, shall think fit. XVII. That, from and after the Union, the same weights and measures shall be used throughout the united kingdom, as are now established in England, and standarts of weights and measures shall be kept by those burrows in Scotland, to whom the keeping the standarts of weights and measures, now in use there, does of special right belong; all which standarts shall be sent down to such respective burrows, from the standarts kept in the Exchequer at Westminster, subject nevertheless to such regulations as the Parliament of Great Britain shall think fit. XVIII. That the laws concerning regulation of trade, customs, and such excises, to which Scotland is, by virtue of this treaty, to be liable, be the same in Scotland, from and after the Union, as in England; and that all other laws, in use within the kingdom of Scotland, do, after the Union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to, or inconsistent with this treaty) but alterable by the Parliament of Great Britain, with this difference betwixt the laws concerning publick right, policy and civil government, and those which concern private right, that the laws which concern publick right, policy and civil government may be made the same throughout the whole united kingdom, but that no alteration be made in laws which concern private right, except for evident utility of the subjects within Scotland. XIX. That the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the Union, subject nevertheless to such regulations, for the better administration of justice, as shall be made by the Parliament of Great Britain; and that hereafter none shall be named by her Majesty, or her royal successors, to be ordinary Lords of Session, but such who have served in the College of Justice as Advocates, or principal Clerks of Session, for the space of five years, or as Writers to the Signet, for the space of ten years, with this provision, that no Writers to the Signet be capable to be admitted a Lord of the Session, unless he undergo a private and publick tryal on the civil law, before the Faculty of Advocates, and be found by them qualified for the said office, two years before he be named to be a Lord of the Session, yet so as the qualifications made or to be made for capacitating persons to be named Ordinary Lords of Session may be altered by the Parliament of Great Britain. And that the Court of Justiciary do also, after the Union, and notwithstanding thereof, remain, in all time coming, within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the Union, subject nevertheless to such regulations as shall be made by the Parliament of Great Britain, and without prejudice

prejudice of other rights of judiciary : And that all Admiralty jurisdictions be under the Lord High Admiral, or Commissioners for the Admiralty, of Great Britain for the time being ; and that the court of Admiralty now established in Scotland be continued ; and that all reviews, reductions or suspensions of the sentences in maritime cases, competent to the jurisdiction of that court, remain in the same manner after the Union as now in Scotland, until the Parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole united kingdom ; so as there be alwise continued in Scotland a Court of Admiralty, such as in England, for determination of all maritime cases relative to private rights in Scotland competent to the jurisdiction of the Admiralty Court, subject nevertheless to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain ; and that the heretable rights of Admiralty, and Vice-Admiralties in Scotland, be reserved to the respective proprietors, as rights of property, subject nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain : And that all other courts, now in being within the kingdom of Scotland, do remain, but subject to alterations by the Parliament of Great Britain : And that all inferior courts within the said limits do remain subordinate, as they are now, to the supreme courts of justice within the same, in all time coming ; and that no causes in Scotland be cognoscible by the Court of Chancery, Queen's Bench, Common Pleas, or any other court in Westminster-hall ; and that the said courts, or any other of the like nature, after the Union, shall have no power to cognosce, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same ; and that there be a Court of Exchequer in Scotland, after the Union, for deciding questions concerning the revenues of Customs and Excises there, having the same power and authority in such cases, as the Court of Exchequer has in England ; and that the said Court of Exchequer in Scotland have power of passing signatures, gifts, tutories, and in other things, as the Court of Exchequer at present in Scotland hath ; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be settled by the Parliament of Great Britain in Scotland after the Union : And that, after the Union, the Queen's Majesty and her royal successors may continue a Privy Council in Scotland, for preserving of publick peace and order, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

XX. That all heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding of this Treaty. XXI. That the rights and privileges of the royal

burrows in Scotland, as they now are, do remain intire after the Union, and notwithstanding thereof. XXII. That, by virtue of this Treaty, of the Peers of Scotland at the time of the Union, sixteen shall be the number to sit and vote in the House of Lords, and forty-five the number of the representatives of Scotland in the House of Commons of the Parliament of Great Britain: And that, when her Majesty, her heirs or successors, shall declare her or their pleasure, for holding the first or any subsequent Parliament of Great Britain, until the Parliament of Great Britain shall make further provision therein, a writ do issue under the Great-seal of the united kingdom, directed to the Privy Council of Scotland, commanding them to cause sixteen Peers, who are to sit in the House of Lords, to be summoned to Parliament, and forty five Members to be elected, to sit in the House of Commons of the Parliament of Great Britain, according to the agreement in this Treaty, in such manner as by a subsequent act of this present session of the Parliament of Scotland shall be settled; which act is hereby declared to be as valid, as if it were a part of, and ingrossed in, this treaty; and that the names of the persons, so summoned and elected, shall be returned by the Privy Council of Scotland, into the court from whence the said writ did issue; and that if her Majesty, on or before the first day of May next, on which day the Union is to take place, shall declare under the Great seal of England, that it is expedient, that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the respective Houses of the first Parliament of Great Britain, for and on the part of England, then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the Members of the respective Houses of the first Parliament of Great Britain, for and on the part of England: And her Majesty may, by her royal proclamation under the Great-seal of Great Britain, appoint the said first Parliament of Great Britain to meet at such time and place as her Majesty shall think fit, which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such Parliament being so appointed, a writ shall be immediately issued under the Great-seal of Great Britain, directed to the Privy Council of Scotland, for the summoning the sixteen Peers; and for electing forty-five Members, by whom Scotland is to be represented in the Parliament of Great Britain; and the Lords of Parliament of England, and the sixteen Peers of Scotland, such sixteen Peers being summoned and returned in the same manner agreed in this Treaty; and the Members of the House of Commons of the said Parliament of England, and the forty-five Members for Scotland, such forty-five Members being elected and returned in the manner agreed in this Treaty, shall assemble and meet respectively in their respective Houses of the Parliament of Great Britain, at such time and place as shall be so appointed by her Majesty,

and shall be the two Houses of the first Parliament of Great Britain: And that Parliament may continue for such time only as the present Parliament of England might have continued, if the Union of the two kingdoms had not been made, unless sooner dissolved by her Majesty. And that every one of the Lords of Parliament of Great Britain, and every Member of the House of Commons of the Parliament of Great Britain, in the first and all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherways direct, shall take the respective oaths appointed to be taken instead of the oaths of allegiance and supremacy, by an act of Parliament made in England, in the first year of the reign of the late King William and Queen Mary, intituled, “ An act for the abrogating of the oaths of Supremacy and Allegiance, and appointing other oaths;” and make, subscribe, and audibly repeat, the declaration mentioned in an act of Parliament made in England, in the thirteenth year of the reign of King Charles the Second, intituled, “ An act for the more effectual preserving the King’s person and government, by disabling Papists from sitting in either Houses of Parliament;” and shall take and subscribe the oath mentioned in an act of Parliament made in England, in the first year of her Majesty’s reign, intituled, “ An act to declare the alterations in the oath appointed to be taken by the act,” intituled, An act for the further security of his Majesty’s person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the Association to be determined;” at such time, and in such manner, as the members of both Houses of Parliament of England are, by the said respective acts, directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, that these words, “ This realm, the crown of this realm, and the Queen of this realm,” mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, shall be understood of the crown and realm of Great Britain; and that, in that sense, the said oaths and declaration be taken and subscribed by the Members of both Houses of the Parliament of Great Britain.

XXIII. That the foresaid sixteen Peers of Scotland, mentioned in the last preceding article, to sit in the House of Lords of the Parliament of Great Britain, shall have all privileges of Parliament which the Peers of England now have, and which they, or any Peers of Great Britain shall have after the Union, and particularly the right of sitting upon the trials of Peers: and in case of the trial of any peer in time of adjournment or prorogation of Parliament, the said sixteen Peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other Peers of Great Britain. And that in case any

trials of Peers shall hereafter happen when there is no Parliament in being, the sixteen Peers of Scotland, who sat in the last preceding Parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other Peers of Great Britain. And that all Peers of Scotland, and their successors to their honours and dignities, shall, from and after the Union, be Peers of Great Britain, and have rank and precedence next and immediately after the peers of the like orders and degrees in England, at the time of the Union, and before all Peers of Great Britain, of the like orders and degrees, who may be created after the Union, and shall be tried as Peers of Great Britain, and shall enjoy all privileges of Peers as fully as the Peers of England do now, or as they or any other Peers of Great Britain may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of Peers. XXIV. That, from and after the Union, there be one Great-seal for the united kingdom of Great Britain, which shall be different from the Great-seal now used in either kingdom; and that the quartering the arms, and the rank and precedence of the Lyon King of Arms of the kingdom of Scotland, as may best suit the Union, be left to her Majesty; and that, in the mean time, the Great-seal of England be used as the Great-seal of the united kingdom, and that the Great-seal of the united kingdom be used for sealing writs to elect and summon the parliament of Great Britain, and for sealing all treaties with foreign princes and states, and all publick acts, instruments, and orders of state, which concern the whole united kingdom, and in all other matters relating to England, as the Great-seal of England is now used; and that a seal in Scotland, after the Union, be always kept and made use of in all things relating to private rights or grants, which have usually passed the Great seal of Scotland, and which only concern offices, grants, commissions, and private rights within that kingdom; and that, until such seal shall be appointed by her Majesty, the present Great-seal of Scotland shall be used for such purposes; and that the Privy-seal, Signet, Casset, Signet of the Justiciary Court, Quarter-seal, and seals of court now used in Scotland, be continued; but that the said seals be altered, and adapted to the state of the Union, as her Majesty shall think fit: And the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the Parliament of Great Britain shall hereafter make: And that the crown, sceptre, and sword of state, the records of parliament, and all other records, rolls and registers whatsoever, both publick and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the united kingdom now called Scotland, and that they shall so remain in all time coming, notwithstanding of the Union. XXV. That all laws and statutes in either kingdom, so far as they are contrary

to, or inconsistent with the terms of these articles, or any one of them, shall, from and after the Union, cease and become void, and shall be so declared to be by the respective Parliaments of the said kingdoms.

Follows the tenor of the foresaid Act for securing the Protestant Religion and Presbyterian Church-Government.

OUR SOVEREIGN LADY and the Estates of Parliament considering, That, by the late Act of Parliament for a Treaty with England, for an Union of both kingdoms, it is provided, that the Commissioners for that Treaty should not treat of or concerning any alteration of the Worship, Discipline, and Government of the Church of this kingdom, as now by law established: which Treaty being now reported to the Parliament, and it being reasonable and necessary, that the true Protestant Religion, as presently professed within this kingdom, with the Worship, Discipline, and Government of this Church, should be effectually and unalterably secured; therefore her Majesty, with advice and consent of the said Estates of Parliament, doth hereby establish and confirm the said true Protestant Religion, and the Worship, Discipline, and Government of this Church, to continue without any alteration to the people of this land in all succeeding generations; and more especially, her Majesty, with advice and consent foresaid, ratifies, approves, and for ever confirms, the fifth Act of the first Parliament of King William and Queen Mary, intituled, “Act ratifying the Confession of Faith, “and settling Presbyterian Church Government,” with the haill other Acts of Parliament relating thereto, in prosecution of the declaration of the Estates of this kingdom, containing the claim of right, bearing date the eleventh of April, one thousand six hundred and eighty-nine; and her Majesty, with advice and consent foresaid, expressly provides and declares, that the foresaid true Protestant Religion, contained in the above-mentioned Confession of Faith, with the form and purity of Worship presently in use within this Church, and its Presbyterian Church Government and Discipline; that is to say, the Government of the Church by Kirk Sessions, Presbyteries, Provincial Synods, and General Assemblies, all established by the foresaid Acts of Parliament, pursuant to the claim of right, shall remain and continue unalterable; and that the said Presbyterian Government shall be the only Government of the Church within the kingdom of Scotland. And further, for the greater security of the foresaid Protestant Religion, and of the Worship, Discipline, and Government of this Church as above established, her Majesty, with advice and consent foresaid, statutes and ordains, that the Universities and Colleges of St. Andrew’s, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this kingdom for ever. And that, in all time coming, no Professors, Principals, Regents, Masters, or others, bearing office in any University, College or School within this kingdom,

dom, be capable, or be admitted or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the Civil Government in manner prescribed, or to be prescribed by the Acts of Parliament. As also, that before, or at their admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith; and that they will practise and conform themselves to the Worship presently in use in this Church, and submit themselves to the Government and Discipline thereof, and never endeavour, directly or indirectly, the prejudice or subversion of the same; and that before the respective Presbyteries of their bounds, by whatsoever gift, presentation, or provision, they may be thereto provided. And further, her Majesty, with advice foresaid, expressly declares and statutes, that none of the subjects of this kingdom shall be liable to, but all and every one of them for ever free of any oath, test or subscription within this kingdom, contrary to, or inconsistent with, the foresaid true Protestant Religion and Presbyterian Church Government, Worship, and Discipline as above established; and that the same, within the bounds of this Church and Kingdom, shall never be imposed upon, or required of them in any sort. And, lastly, that after the decease of her present Majesty (whom God long preserve), the Sovereign succeeding to her in the Royal Government of the kingdom of Great-Britain shall, in all time coming, at his or her accession to the Crown, swear and subscribe, that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant Religion, with the Government, Worship, Discipline, Right, and Privileges of this Church, as above established by the laws of this kingdom, in prosecution of the claim of right. And it is hereby statute and ordained, that this Act of Parliament, with the establishment therein contained, shall be held and observed, in all time coming, as a fundamental and essential condition of any Treaty or Union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto, in any sort, for ever. As also, that this Act of Parliament, and Settlement therein contained, shall be insert and repeated in any Act of Parliament that shall pass, for agreeing and concluding the foresaid Treaty or Union betwixt the two kingdoms; and that the same shall be therein expressly declared to be a fundamental and essential condition of the said Treaty or Union, in all time coming. WHICH ARTICLES OF UNION, and Act immediately above-written, her Majesty, with advice and consent foresaid, statutes, enacts and ordains to be, and continue, in all time coming, the sure and perpetual foundation of a compleat and intire Union of the two kingdoms of Scotland and England, under this express condition and provision, that the approbation and ratification of the foresaid Articles and Act shall be no ways binding on this kingdom, until the said Articles and Act be ratified,

fied, approved and confirmed by her Majesty, with and by the authority of the Parliament of England, as they are now agreed to, approved and confirmed by her Majesty, with and by the authority of the Parliament of Scotland. Declaring nevertheless, that the Parliament of England may provide for the security of the Church of England as they think expedient, to take place within the bounds of the said kingdom of England, and not derogating from the security above provided, for establishing of the Church of Scotland within the bounds of this kingdom. As also, the said Parliament of England may extend the additions and other provisions contained in the articles of Union, as above insert, in favours of the subjects of Scotland, to and in favours of the subjects of England, which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the Parliament of Scotland. And, lastly, her majesty enacts and declares, that all laws and statutes in this kingdom, so far as they are contrary to, or inconsistent with, the terms of these Articles as above-mentioned, shall, from and after the Union, cease and become void.

Follows the Exemplification under the Great-Seal of England, of the Act of the Parliament of that Kingdom, intituled, An Act for an Union of the Two Kingdoms of ENGLAND and SCOTLAND, as the same was transmitted to the Parliament of Scotland, and ordered to be recorded.

ANNA, Dei gratia, Anglie, Scocie, Francie, et Hibernie Regina, Fidei Defensor, &c. Omnibus ad quos presentes litere pervenerint salutem: Inspeximus quoddam breve nostrum de certiorand. e cur. Cancellar. nostre nuper emanan. dilecto et fideli nostro Matheo Johnson, Armigero, Clerico Parliamentorum nostrorum direct. una cum quodam retorno sive indorfamento in dorso ejusdem brevis indorfato et inserto in dictam Cancellar. nostram retornatum et in filaciis ibm de recordo residen. in hec verba, ANNA, Dei Gra. Angl. Scoc. Franc. et Hibnie Regina, Fidei Defensor, &c. Dilco. sibi Matheo Johnson, Ar. Clico. Parliamentor. fuor. saltm. Volentes certis de causis certiorari super tenorem cujusdem Actus in instanti Parlamento nostro apud Westm. fact. et ordinat. intitulat. "An Act for an Union of the two Kingdoms of England and Scotland," vobis mandamus quod tenorem Actus predict. cum omnibus ill. tangentibus nobis in Cancellar. nram. sub Sigillo vro. distincte et aperte sine dilone. mittatis et hoc bre. Teste meipa. apud Westm. sexto die Martii anno Rni. nri. quinto. Wrighte. Executio hujus bris. patet in quadam schedula huic bri. annex. prout interius mihi precipitur Math. Johnson, Cler. Parliamentor. Inspeximus etiam schedulam premencionatum continentem tenorem Actus predict. eidemque brevi annex. manu et sigillo Mathei Johnson signat. et sigillat. in Cancellar. nram predictam
filiat.

filii. retornat. et in filiis ibi. de recordo quoq; residen. in hec verba: In Parliament. inchoat. apud Westmonaster. decimo quarto die Junii, anno Domini millesimo septingentesimo quinto annoque regni serenissime Dne. nre. ANNE, Dei grat. Angl. Scot. Franc. et Hibernie. Regin. Fidei Defensor, &c. quarto, communi omnium Dnor. tam Spialium quam Temporal. et Communitis. &c. consensu et regie Majestatis assensu (inter alia) sancitum inactitatum et stabilitum fuit hoc sequens statutum, viz. "An Act for an Union of the two Kingdoms of England and Scotland," cujus quidem tenor sequitur in his verbis: MOST GRACIOUS SOVEREIGN, Whereas Articles of Union were agreed on the twenty-second day of July, in the fifth year of your Majesties reign, by the Commissioners nominated on behalf of the kingdom of England, under your Majesties Great Seal of England, bearing date at Westminster the tenth day of April then last past, in pursuance of an Act of Parliament made in England, in the third year of your Majesties reign; and the Commissioners nominated on the behalf of the kingdom of Scotland, under your Majesties Great Seal of Scotland, bearing date the twenty-seventh day of February, in the fourth year of your Majesties reign, in pursuance of the fourth Act of the third session of the present Parliament of Scotland, to treat of and concerning an Union of the said kingdoms: and whereas an Act hath passed in the Parliament of Scotland, at Edinburgh, the sixteenth day of January, in the fifth year of your Majesties reign, wherein 'tis mentioned, that the Estates of Parliament, considering the said Articles of Union of the two kingdoms, had agreed to and approved of the said Articles of Union, with some additions and explanations; and that your Majesty, with advice and consent of the Estates of Parliament, for establishing the Protestant Religion, and Presbyterian Church Government within the kingdom of Scotland, had passed in the same Session of Parliament, an Act, intituled, "Act for securing of the Protestant Religion and Presbyterian Church Government," which, by the tenor thereof, was appointed to be inserted in an Act ratifying the Treaty, and expressly declared to be a fundamental and essential condition of the said Treaty or Union in all times coming, the tenor of which Articles, as ratified and approved of, with additions and explanations, by the said Act of Parliament of Scotland, follows:

Article 1. That the two kingdoms of England and Scotland shall, upon the first day of May, which shall be in the year one thousand seven hundred and seven, and for ever after, be united into one kingdom, by the name of GREAT-BRITAIN; and that the Ensigns Armorial of the said United Kingdom be such as her Majesty shall appoint, and the Crosses of St. George and St. Andrew be conjoined in such manner as her Majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land.

Article

Article 2. That the succession to the Monarchy of the United Kingdom of Great Britain, and of the dominions thereto belonging, after her most sacred Majesty, and in default of issue of her Majesty, be, remain, and continue, to the most excellent Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants, upon whom the Crown of England is settled by an act of Parliament made in England, in the twelfth year of the reign of his late Majesty King William the Third, intituled, “An act for the further limitation of the Crown, and “better securing the rights and liberties of the subject:” and that all Papists, and persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the Imperial Crown of Great Britain, and the dominions thereunto belonging, or any part thereof; and, in every such case, the Crown and Government shall, from time to time, descend to, and be enjoyed by such person, being a Protestant, as should have inherited and enjoyed the same, in case such Papist, or person marrying a Papist, was naturally dead, according to provision for the descent of the Crown of England, made by another act of Parliament in England, in the first year of the reign of their late Majesties King William and Queen Mary, intituled, “An Act “declaring the rights and liberties of the subject, and settling the succession of “the Crown.”

Article 3. That the United Kingdom of Great Britain be represented by one and the same Parliament, to be styled “The Parliament of Great Britain.”

Article 4. That all the subjects of the United Kingdom of Great Britain shall, from and after the Union, have full freedom and intercourse of trade and navigation to and from any port or place within the said United Kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges and advantages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these Articles.

Article 5. That all ships, or vessels, belonging to her Majesty's subjects of Scotland at the time of ratifying the treaty of Union of the two kingdoms in the Parliament of Scotland, though foreign built, be deemed and pass as ships of the built of Great Britain: The owner, or, where there are more owners, one or more of the owners, within twelve months after the first of May next, making oath, that, at the time of ratifying the treaty of Union in the Parliament of Scotland, the same did, in whole or in part, belong to him or them, or to some other subject or subjects of Scotland, to be particularly named, with the place of their respective abodes; and that the same doth then, at the time of the said deposition, wholly belong to him or them; and that no foreigner, directly or indirectly, hath any share,

part, or interest therein; which oath shall be made before the chief officer or officers of the customs, in the port next to the abode of the said owner or owners; and the said officer, or officers, shall be empowered to administer the said oath: and the oath, being so administered, shall be attested by the officer, or officers, who administered the same; and, being registred by the said officer or officers, shall be delivered to the master of the ship, for security of her navigation; and the duplicate thereof shall be transmitted, by the said officer or officers, to the chief officer or officers of the Customs in the port of Edinburgh, to be there entered in a Register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain.

Article 6. That all parts of the United Kingdom for ever, from and after the Union, shall have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements and drawbacks, prohibitions, restrictions and regulations of trade, and the customs and duties on import and export, settled in England, when the Union commences, shall, from and after the Union, take place throughout the whole United Kingdom, excepting and reserving the duties upon export and import of such particular commodities from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which, after the Union, are to remain safe and intire to them, in all respects, as before the same; and that, from and after the Union, no Scots cattle carried into England shall be liable to any other duties, either on the publick or private accounts, than those duties to which the cattle of England are or shall be liable within the said kingdom. And seeing, by the laws of England, there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expressed, that, from and after the Union, when oats shall be sold at fifteen shillings sterling *per* quarter, or under, there shall be paid two shillings and six pence sterling for every quarter of the oatmeal exported in the terms of the law, whereby and so long as rewards are granted for exportation of other grain, and that the bear of Scotland have the same rewards as barley. And in respect the importation of victual into Scotland, from any place beyond sea, would prove a discouragement to tillage, therefore, that the prohibition, as now in force by the law of Scotland, against importation of victuals from Ireland, or any other place beyond sea into Scotland, do, after the Union, remain in the same force as now it is, until more proper and effectual ways be provided by the Parliament of Great Britain, for discouraging the importation of the said victuals from beyond sea.

Article 7. That all parts of the United Kingdom be for ever, from and after the Union, liable to the same excises upon all exciseable liquors, excepting
only,

only, that the thirty-four gallons English barrel of beer or ale, amounting to twelve gallons Scots present measure, sold in Scotland by the brewer at nine shillings six pence sterling, excluding all duties, and retailed, including duties and the retailer's profit, at two pence the Scots pint, or eighth part of the Scots gallon, be not, after the Union, liable, on account of the present excise upon exciseable liquors in England, to any higher imposition than two shillings sterling upon the foresaid thirty-four gallons English barrel, being twelve gallons the present Scots measure; and that the excise settled in England on all other liquors, when the Union commences, take place throughout the whole United Kingdom.

Article 8. That, from and after the Union, all foreign salt, which shall be imported into Scotland, shall be charged, at the importation there, with the same duties as the like salt is now charged with, being imported into England, and to be levied and secured in the same manner. But, in regard the duties of great quantities of foreign salt imported may be very heavy upon the merchants importers, that therefore all foreign salt imported into Scotland shall be cellared and locked up under the custody of the merchants importers and the officers employed for levying the duties upon salt; and that the merchant may have what quantity thereof his occasion may require, not under a weigh or forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months; but Scotland shall, for the space of seven years from the said Union, be exempted from paying in Scotland, for salt made there, the duty or excise now payable for salt made in England, but, from the expiration of the said seven years, shall be subject and liable to the same duties for salt made in Scotland, as shall be then payable for salt made in England, to be levied and secured in the same manner, and with proportionable drawbacks and allowances, as in England; with this exception, that Scotland shall, after the said seven years, remain exempted from the duty of two shillings and four-pence a bushel on home salt, imposed by an act made in England in the ninth and tenth of King William the Third of England. And if the Parliament of Great Britain shall, at or before the expiring of the said seven years, substitute any other fund in place of the said two shillings and four pence of excise on the bushel of home salt, Scotland shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of this treaty: and that, during the said seven years, there shall be payed in England, for all salt made in Scotland, and imported from thence into England, the same duties upon the importation as shall be payable for salt made in England, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in England. And that, after the said seven years, as long as the said duty of two shillings and four-pence a bushel upon salt is continued in

England, the said two shillings and four pence a bushel shall be payable for all salt made in Scotland, and imported into England, to be levied and secured in the same manner; and that, during the continuance of the duty of two shillings and four-pence a bushel upon salt made in England, no salt whatsoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same and paying twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity; for which the carrier, as well as the owner, shall be liable jointly and severally, and the persons bringing or carrying the same, to be imprisoned by any one justice of the peace by the space of six months, without bail, and until the penalty be paid. And, for establishing an equality in trade, that all flesh exported from Scotland to England, and put on board in Scotland, to be exported to parts beyond the seas, and provision for ships in Scotland, and for foreign voyages, may be salted with Scots salt, paying the same duty for what salt is so employed as the like quantity of such salt pays in England, and under the same penalties, forfeitures and provisions, for preventing of frauds, as are mentioned in the laws of England: And that, from and after the Union, the laws and acts of parliament in Scotland, for pining, curing, and packing of herrings, white fish, and salmond, for exportation with foreign salt only, without any mixture of British or Irish salt, and for preventing of frauds in curing and packing of fish, be continued in force in Scotland, subject to such alterations as shall be made by the Parliament of Great Britain; and that all fish exported from Scotland to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of British or Irish salt, shall have the same easies, præmiums, and draw-backs, as are or shall be allowed to such persons as export the like fish from England: and that, for encouragement of the herring fishing, there shall be allowed and paid to the subjects, inhabitants of Great Britain, during the present allowances for other fish, ten shillings and five pence sterling for every barrel of white herrings which shall be exported from Scotland; and that there shall be allowed five shillings sterling for every barrel of beef or pork salted with foreign salt, without mixture of British or Irish salt, and exported for sale from Scotland to parts beyond sea, alterable by the Parliament of Great Britain. And if any matters of fraud relating to the said duties on salt shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the Parliament of Great Britain.

Article 9. That, whensoever the sum of one million nine hundred ninety-seven thousand, seven hundred and sixty-three pounds, eight shillings and four-pence half-penny, shall be enacted by the Parliament of Great Britain, to be raised in that part of the united kingdom now called England, on land, and other things usually charged

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in acts of parliament there, for granting an aid to the Crown by a land tax, that part of the United Kingdom now called Scotland shall be charged, by the same act, with a further sum of forty-eight thousand pounds free of all charges, as the quota of Scotland to such tax, and so proportionally for any greater or lesser sum raised in England by any tax on land, and other things usually charged together with the land; and that such quota for Scotland, in the cases aforesaid, be raised and collected in the same manner as the cefs now is in Scotland; but subject to such regulations, in the manner of collecting, as shall be made by the Parliament of Great Britain.

Article 10. That, during the continuance of the respective duties on stamp paper, vellum, and parchment, by the several acts now in force in England, Scotland shall not be charged with the same respective duties.

Article 11. That, during the continuance of the duties payable in England on windows and lights, which determine on the first day of August, one thousand seven hundred and ten, Scotland shall not be charged with the same duties.

Article 12. That, during the continuance of the duties payable in England on coals, culm, and cinders, which determines the thirtieth day of September, one thousand seven hundred and ten, Scotland shall not be charged therewith for coals, culm, and cinders, consumed there; but shall be charged with the same duties as in England for all coal, culm, and cinders, not consumed in Scotland.

Article 13. That, during the continuance of the duty payable in England upon malt, which determines the twenty-fourth day of June, one thousand seven hundred and seven, Scotland shall not be charged with that duty.

Article 14. That the kingdom of Scotland be not charged with any other duties laid on by the Parliament of England before the Union, except those consented to in this treaty, in regard it is agreed, that all necessary provision shall be made by the Parliament of Scotland for the publick charge and service of that kingdom, for the year one thousand seven hundred and seven; provided, nevertheless, that, if the Parliament of England shall think fit to lay any further impositions, by way of customs, or such excises, with which, by virtue of this treaty, Scotland is to be charged equally with England, in such case, Scotland shall be liable to the same customs and excises, and have an equivalent to be settled by the Parliament of Great Britain; with this further provision, that any malt, to be made and consumed in that part of the United Kingdom now called Scotland, shall not be charged with any imposition on malt during this present war; and seeing it cannot be supposed that the Parliament of Great Britain will ever lay any sort of burdens upon the United Kingdom but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the United Kingdom;
therefore

therefore it is agreed, that there be no further exemption insisted upon for any part of the United Kingdom; but that the consideration of any exemptions, beyond what are already agreed on in this treaty, shall be left to the determination of the Parliament of Great Britain.

Article 15. That whereas, by the terms of this treaty, the subjects of Scotland, for preserving an equality of trade throughout the United Kingdom, will be liable to several customs and excises now payable in England, which will be applicable towards payment of the debts of England, contracted before the Union; it is agreed, that Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England in all particulars whatsoever, in manner following, viz. That, before the Union of the said kingdoms, the sum of three hundred ninety-eight thousand and eighty-five pounds ten shillings be granted to her Majesty, by the Parliament of England, for the uses after-mentioned, being the equivalent to be answered to Scotland, for such parts of the said customs and excises upon all exciseable liquors, with which that kingdom is to be charged upon the Union, as will be applicable to the payment of the said debts of England, according to the proportions which the present customs in Scotland, being thirty thousand pounds *per annum*, do bear to the customs in England, computed at one million three hundred forty-one thousand five hundred and fifty-nine pounds *per annum*, and which the present excises on exciseable liquors in Scotland, being thirty-three thousand and five hundred pounds *per annum*, do bear to the excises on exciseable liquors in England, computed at nine hundred forty-seven thousand six hundred and two pounds *per annum*, which sum of three hundred ninety-eight thousand eighty-five pounds ten shillings shall be due and payable from the time of the Union: And in regard that, after the Union, Scotland becoming liable to the same customs and duties payable on import and export, and to the same excises on all exciseable liquors as in England, as well upon that account, as upon the account of the increase of trade and people (which will be the happy consequence of the Union), the said revenues will much improve beyond the before-mentioned annual values thereof, of which no present estimate can be made; yet nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to Scotland; it is agreed, that, after the Union, there shall be an account kept of the said duties arising in Scotland, to the end it may appear what ought to be answered to Scotland as an equivalent for such proportion of the said increase as shall be applicable to the payment of the debts of England. And, for the further and more effectual answering the several ends hereafter-mentioned, it is agreed, that, from and after the Union, the whole increase of the revenues of customs and duties on import and export, and excise upon exciseable liquors in

Scotland, over and above the annual produce of the said respective duties as above stated, shall go and be applied, for the term of seven years, to the uses hereafter-mentioned, and that, upon the said account, there shall be answered to Scotland annually, from the end of seven years after the Union, an equivalent in proportion to such part of the said increase as shall be applicable to the debts of England; and, generally, that an equivalent shall be answered to Scotland for such parts of the English debts as Scotland may hereafter become liable to pay by reason of the Union, other than such for which appropriations have been made by Parliament in England, of the customs or other duties on export and import, excises on all exciseable liquors, in respect of which debts, equivalents are herein before provided: And as for the uses, to which the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings to be granted as aforesaid, and all other moneys which are to be answered or allowed to Scotland as aforesaid, are to be applied; it is agreed, that in the first place, out of the aforesaid sum, what consideration shall be found necessary to be had for any losses which private persons may sustain, by reducing the coin of Scotland to the standard and value of the coin of England, may be made good: in the next place, that the capital stock or fund of the African and Indian Company of Scotland advanced, together with the interest for the said capital stock after the rate of five *per cent. per annum*, from the respective times of the payment thereof, shall be paid; upon payment of which capital stock and interest, it is agreed the said Company be dissolved and cease; and also, that, from the time of passing the act of Parliament in England, for raising the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, the said Company shall neither trade, nor grant licence to trade, providing, that, if the said stock and interest shall not be paid in twelve months after the commencement of the Union, that then the said Company may, from thenceforward, trade, or give licence to trade, until the said whole capital stock and interest shall be paid: and as to the overplus of the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, after payment of what considerations shall be had for losses in repairing the coin, and paying the said capital stock and interest, and also the whole increase of the said revenues of customs, duties, and excises, above the present value, which shall arise in Scotland, during the said term of seven years, together with the equivalent which shall become due upon the improvement thereof in Scotland after the said term; and also, as to all other sums, which, according to the agreements aforesaid, may become payable to Scotland by way of equivalent for what that kingdom shall hereafter become liable towards payment of the debt of England; it is agreed, that the same be applied in manner following, viz. That all the publick debts of the kingdom of Scotland, as shall be adjusted by this present

present Parliament, shall be payed; and that two thousand pounds *per annum*, for the space of seven years, shall be applied towards encouraging and promoting the manufacture of coarse wooll within those shires which produce the wooll, and that the first two thousand pounds sterling be payed at Martinmas next, and so yearly at Martinmas during the space foresaid; and, afterwards, the same shall be wholly applied towards the encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland as may most conduce to the general good of the United Kingdom. And it is agreed, that her Majesty be empowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain, for disposing the said sum of three hundred ninety-eight thousand and eighty-five pounds ten shillings, and all other moneys which shall arise to Scotland upon the agreements aforesaid, to the purposes before-mentioned; which Commissioners shall be empowered to call for, receive, and dispose of, the said moneys in manner aforesaid, and to inspect the books of the several Collectors of the said revenues, and of all other duties from whence an equivalent may arise; and that the Collectors and Managers of the said revenues and duties be obliged to give to the said Commissioners subscribed authentick abbreviates of the produce of such revenues and duties arising in their respective districts; and that the said Commissioners shall have their office within the limits of Scotland, and shall in such office keep books, containing accounts of the amount of the equivalents, and how the same shall have been disposed of, from time to time, which may be inspected by any of the subjects who shall desire the same.

Article 16. That, from and after the Union, the coin shall be of the same standart and value throughout the United Kingdom as now in England, and a mint shall be continued in Scotland under the same rules as the mint in England; and the present officers of the mint continued, subject to such regulations and alterations as her Majesty, her heirs or successors, or the Parliament of Great Britain, shall think fit.

Article 17. That, from and after the Union, the same weights and measures shall be used throughout the United Kingdom, as are now established in England; and standarts of weights and measures shall be kept by those burghs in Scotland, to whom the keeping the standarts of weights and measures, now in use there, does of special right belong; all which standarts shall be sent down to such respective burghs, from the standarts kept in the Exchequer at Westminster, subject nevertheless to such regulations as the Parliament of Great Britain shall think fit.

Article 18. That the laws concerning regulation of trade, customs, and such excises, to which Scotland is, by virtue of this treaty, to be liable, be the same in Scotland, from and after the Union, as in England; and that all other laws, in use within the kingdom of Scotland, do, after the Union, and notwithstanding whereof, remain in the same force as before (except such as are contrary to, or
inconsistent

inconsistent with this treaty), but alterable by the Parliament of Great Britain, with this difference betwixt the laws concerning publick right, policy, and civil government, and those which concern private right, that the laws which concern publick right, policy, and civil government, may be made the same throughout the whole United Kingdom, but that no alteration be made in laws which concern private right, except for evident utility of the subject within Scotland.

Article 19. That the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain in all time coming within Scotland as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the Union, subject nevertheless to such regulations, for the better administration of justice, as shall be made by the Parliament of Great Britain; and that hereafter none shall be named by her Majesty, or her royal successors, to be ordinary Lords of Session, but such who have served in the College of Justice as Advocates, or principal Clerks of Session, for the space of five years, or as Writers to the Signet, for the space of ten years, with this provision, that no Writer to the Signet be capable to be admitted a Lord of the Session, unless he undergo private and publick tryal on the civil law before the Faculty of Advocates, and be found by them qualified for the said office, two years before he be named to be a Lord of the Session, yet so as the qualifications made, or to be made, for capacitating persons to be named Ordinary Lords of Session, may be altered by the Parliament of Great Britain. And that the Court of Justiciary do also, after the Union, and notwithstanding thereof, remain, in all time coming, within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the Union, subject nevertheless to such regulations as shall be made by the Parliament of Great Britain, and without prejudice of other rights of justiciary: And that all Admiralty jurisdictions be under the Lord High Admiral, or Commissioners for the Admiralty, of Great Britain for the time being; and that the court of Admiralty now established in Scotland be continued; and that all reviews, reductions, or suspensions of the sentences in maritime cases, competent to the jurisdiction of that court, remain in the same manner after the Union as now in Scotland, until the Parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole United Kingdom; so as there be alwise continued in Scotland a Court of Admiralty, such as in England, for determination of all maritime cases relating to private rights in Scotland competent to the jurisdiction of the Admiralty Court, subject nevertheless to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain; and that the heretable rights of Admiralty, and Vice-Admiralties, in Scotland, be reserved to the re-

pective proprietors as rights of property, subject nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain: And that all other courts, now in being within the kingdom of Scotland, do remain, but subject to alterations by the Parliament of Great Britain: And that all inferior courts within the said limits do remain subordinate, as they are now, to the supreme courts of justice within the same, in all time coming; and that no causes in Scotland be cognoscible by the Courts of Chancery, Queen's Bench, Common Pleas, or any other court in Westminster-hall; and that the said courts, or any other of the like nature, after the Union, shall have no power to cognosce, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same; and that there be a Court of Exchequer in Scotland, after the Union, for deciding questions concerning the revenues of Customs and Excises there, having the same power and authority in such cases as the Court of Exchequer has in England; and that the said Court of Exchequer in Scotland have power of passing signatures, gifts, tutories, and in other things, as the Court of Exchequer at present in Scotland hath; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be settled by the Parliament of Great Britain in Scotland after the Union: And that, after the Union, the Queen's Majesty and her royal successors may continue a Privy Council in Scotland, for preserving of publick peace and order, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

Article 20. That all heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding this Treaty.

Article 21. That the rights and privileges of the royal burghs in Scotland, as they now are, do remain entire after the Union, and notwithstanding thereof.

Article 22. That, by virtue of this Treaty, of the Peers of Scotland at the time of the Union, sixteen shall be the number to sit and vote in the House of Lords, and forty-five the number of the representatives of Scotland in the House of Commons of the Parliament of Great Britain: And that, when her Majesty, her heirs or successors, shall declare her or their pleasure for holding the first or any subsequent Parliament of Great Britain, until the Parliament of Great Britain shall make further provision therein, a writ do issue under the Great-seal of the United Kingdom, directed to the Privy Council of Scotland, commanding them to cause sixteen Peers, who are to sit in the House of
Lords,

Lords, to be summoned to Parliament, and forty-five Members to be elected to sit in the House of Commons of the Parliament of Great Britain, according to the agreement in this Treaty, in such manner as by an act of this present session of the Parliament of Scotland is or shall be settled; which act is hereby declared to be as valid as if it were a part of, and ingrossed in, this treaty; and that the names of the persons, so summoned and elected, shall be returned by the Privy Council of Scotland into the court from whence the said writ did issue; and that if her Majesty, on or before the first day of May next, on which day the Union is to take place, shall declare, under the Great-seal of England, that it is expedient, that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the respective Houses of the first Parliament of Great Britain, for and on the part of England, then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the Members of the respective Houses of the first Parliament of Great Britain, for and on the part of England: And her Majesty may, by her royal proclamation under the Great-seal of Great Britain, appoint the said first Parliament of Great Britain to meet at such time and place as her Majesty shall think fit, which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such Parliament being so appointed, a writ shall be immediately issued, under the Great-seal of Great Britain, directed to the Privy Council of Scotland, for the summoning the sixteen Peers, and for electing forty-five Members, by whom Scotland is to be represented in the Parliament of Great Britain; and the Lords of Parliament of England, and the sixteen Peers of Scotland, such sixteen Peers being summoned and returned in the manner agreed in this Treaty, and the Members of the House of Commons of the said Parliament of England, and the forty-five Members for Scotland, such forty-five Members being elected and returned in the manner agreed in this Treaty, shall assemble and meet respectively in their respective Houses of the Parliament of Great Britain, at such time and place as shall be so appointed by her Majesty, and shall be the two Houses of the first Parliament of Great Britain; and that Parliament may continue for such time only as the present Parliament of England might have continued, if the Union of the two kingdoms had not been made, unless sooner dissolved by her Majesty. And that every one of the Lords of Parliament of Great Britain, and every Member of the House of Commons of the Parliament of Great Britain, in the first and all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherways direct, shall take the respective oaths appointed to be taken, instead of the oaths of Allegiance and Supremacy, by an act of Parliament made in England, in the first year of the reign of the late King William and Queen Mary, intituled, “ An act for the abrogat-

“ ing of the oaths of Supremacy and Allegiance, and appointing other oaths ;” and make, subscribe, and audibly repeat, the declaration mentioned in an act of Parliament made in England, in the thirtieth year of the reign of King Charles the Second, intituled, “ An act for the more effectual preserving the King’s person and government, by disabling Papists from sitting in either House of Parliament ;” and shall take and subscribe the oath mentioned in an act of Parliament made in England, in the first year of her Majesty’s reign, intituled, “ An act to declare the alterations in the oath appointed to be taken by the act, intituled, An act for the further security of his Majesty’s person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the Association to be determined ;” at such time, and in such manner, as the members of both Houses of Parliament of England are, by the said respective acts, directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, that these words, “ This realm, the crown of this realm, and the Queen of this realm,” mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, shall be understood of the crown and realm of Great Britain ; and that, in that sense, the said oaths and declaration be taken and subscribed by the Members of both Houses of the Parliament of Great Britain.

Article 23. That the foresaid sixteen Peers of Scotland, mentioned, in the last preceding article, to sit in the House of Lords of the Parliament of Great Britain, shall have all privileges of Parliament which the Peers of England now have, and which they, or any Peers of Great Britain, shall have after the Union, and particularly the right of sitting upon the trials of Peers : and, in case of the trial of any peer in time of adjournment or prorogation of Parliament, the said sixteen Peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other Peers of Great Britain. And that in case any trials of Peers shall hereafter happen when there is no Parliament in being, the sixteen Peers of Scotland, who sat in the last preceding Parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other Peers of Great Britain. And that all Peers of Scotland, and their successors to their honours and dignities, shall, from and after the Union, be Peers of Great Britain, and have rank and precedency next and immediately after the peers of the like orders and degrees in England, at the time of the Union, and before all Peers of Great Britain, of the like orders and degrees, who may be created after the Union, and shall be tried as Peers of Great Britain, and shall enjoy all privileges of Peers as fully as the Peers of England do now, or as they

or any other Peers of Great Britain may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of Peers.

Article 24. That, from and after the Union, there be one Great-seal for the United Kingdom of Great Britain, which shall be different from the Great-seal now used in either kingdom; and that the quartering the arms, and the rank and precedency of the Lyon King of Arms of the kingdom of Scotland, as may best suit the Union, be left to her Majesty; and that, in the mean time, the Great-seal of England be used as the Great-seal of the United Kingdom, and that the Great-seal of the United Kingdom be used for sealing writs to elect and summon the Parliament of Great Britain, and for sealing all treaties with foreign princes and states, and all publick acts, instruments, and orders of state, which concern the whole United Kingdom, and in all other matters relating to England, as the Great-seal of England is now used; and that a seal in Scotland, after the Union, be always kept and made use of in all things relating to private rights or grants, which have usually passed the Great-seal of Scotland, and which only concern offices, grants, commissions, and private rights, within that kingdom; and that, until such seal shall be appointed by her Majesty, the present Great-seal of Scotland shall be used for such purposes; and that the Privy-seal, Signet, Casset, Signet of the Justiciary Court, Quarter-seal, and seals of courts now used in Scotland, be continued; but that the said seals be altered, and adapted to the state of the Union, as her Majesty shall think fit: And the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the Parliament of Great Britain shall hereafter make: And that the crown, sceptre, and sword of state, the records of Parliament, and all other records, rolls and registers whatsoever, both publick and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the United Kingdom now called Scotland, and that they shall so remain in all times coming, notwithstanding the Union.

Article 25. That all laws and statutes in either kingdom, so far as they are contrary to, or inconsistent with, the terms of these articles, or any one of them, shall, from and after the Union, cease and become void, and shall be so declared to be by the respective Parliaments of the said kingdoms, as by the said Articles of Union ratified and approved by the said act of Parliament of Scotland, relation thereunto being had, may appear; and the tenor of the aforesaid act, for securing the Protestant religion and Presbyterian Church Government within the kingdom of Scotland, is as follows.

OUR SOVEREIGN LADY, and the Estates of Parliament, considering, that, by the late Act of Parliament for a Treaty with England, for an Union of both
kingdoms,

kingdoms, it is provided, that the Commissioners for that Treaty should not treat of or concerning any alteration of the Worship, Discipline, and Government of the Church of this kingdom, as now by law established, which Treaty being now reported to the Parliament, and it being reasonable and necessary, that the true Protestant Religion, as presently professed within this kingdom, with the Worship, Discipline, and Government of this Church, should be effectually and unalterably secured; therefore her Majesty, with advice and consent of the said Estates of Parliament, doth hereby establish and confirm the said true Protestant Religion, and the Worship, Discipline, and Government of this Church, to continue without any alteration to the people of this land in all succeeding generations; and more especially, her Majesty, with advice and consent aforesaid, ratifies, approves, and for ever confirms, the fifth Act of the first Parliament of King William and Queen Mary, intituled, "Act ratifying the Confession of Faith, and settling Presbyterian Church Government," with all other Acts of Parliament relating thereto, in prosecution of the declaration of the Estates of this kingdom, containing the claim of right, bearing date the eleventh of April, one thousand six hundred and eighty-nine; and her Majesty, with advice and consent aforesaid, expressly provides and declares, that the foresaid true Protestant Religion, contained in the above-mentioned Confession of Faith, with the form and purity of Worship presently in use within this Church, and its Presbyterian Church Government and Discipline, that is to say, the Government of the Church by Kirk Sessions, Presbyteries, Provincial Synods, and General Assemblies, all established by the foresaid Acts of Parliament, pursuant to the claim of right, shall remain and continue unalterable; and that the said Presbyterian Government shall be the only Government of the Church within the kingdom of Scotland. And further, for the greater security of the foresaid Protestant Religion, and of the Worship, Discipline, and Government of this Church as above established, her Majesty, with advice and consent foresaid, statutes and ordains, that the Universities and Colleges of St. Andrew's, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this kingdom for ever. And that, in all time coming, no Professors, Principals, Regents, Masters, or others, bearing office in any University, College or School, within this kingdom, be capable, or be admitted or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the Civil Government in manner prescribed, or to be prescribed by the Acts of Parliament. As also, that before, or at their admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith; and that they will practise and conform themselves to the Worship presently in use in this Church, and submit themselves to the Government and Discipline

pline thereof, and never endeavour, directly or indirectly, the prejudice or subversion of the same; and that before the respective Presbyteries of their bounds, by whatsoever gift, presentation, or provision, they may be thereto provided. And further, her Majesty, with advice aforesaid, expressly declares and statutes, that none of the subjects of this kingdom shall be liable to, but all and every one of them for ever free of any oath, test, or subscription, within this kingdom, contrary to, or inconsistent with, the foresaid true Protestant Religion and Presbyterian Church Government, Worship, and Discipline, as above established; and that the same, within the bounds of this Church and Kingdom, shall never be imposed upon, or required of them in any sort. And, lastly, that, after the decease of her present Majesty (whom God long preserve!) the Sovereign succeeding to her in the Royal Government of the kingdom of Great-Britain shall, in all time coming, at his or her accession to the Crown, swear and subscribe, that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant Religion, with the Government, Worship, Discipline, Right, and Privileges of this Church, as above established by the laws of this kingdom, in prosecution of the claim of right. And it is hereby statute and ordained, that this Act of Parliament, with the establishment therein contained, shall be held and observed, in all times coming, as a fundamental and essential condition of any Treaty or Union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto, in any sort, for ever. As also, that this Act of Parliament, and Settlement therein contained, shall be insert and repeated in any Act of Parliament that shall pass, for agreeing and concluding the foresaid Treaty or Union betwixt the two kingdoms; and that the same shall be therein expressly declared to be a fundamental and essential condition of the said Treaty or Union, in all time coming. WHICH ARTICLES OF UNION, and Act immediately above-written, her Majesty, with advice and consent aforesaid, statutes, enacts and ordains to be, and continue, in all time coming, the sure and perpetual foundation of a compleat and intire Union of the two kingdoms of Scotland and England, under the express condition and provision, that the approbation and ratification of the foresaid Articles and Act shall be no ways binding on this kingdom, until the said Articles and Act be ratified, approved, and confirmed, by her Majesty, with and by the authority of the Parliament of England, as they are now agreed to, approved and confirmed, by her Majesty, with and by the authority of the Parliament of Scotland. Declaring nevertheless, that the Parliament of England may provide for the security of the Church of England as they think expedient, to take place within the bounds of the said kingdom of England, and not derogating from the security above provided, for the establishing of the Church of Scotland within the bounds of this kingdom.

dom. As also, the said Parliament of England may extend the additions and other provisions contained in the articles of Union, as above insert in favours of the subjects of Scotland, to and in favours of the subjects of England, which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the Parliament of Scotland. And, lastly, her majesty enacts and declares, that all laws and statutes in this kingdom, so far as they are contrary to, or inconsistent with, the terms of these Articles as above-mentioned, shall, from and after the Union, cease and become void.

AND WHEREAS an act hath passed in this present session of Parliament, intituled, “ An act for securing the Church of England as by law established,” the tenor whereof follows, Whereas, by an act made in the session of Parliament held in the third and fourth year of her Majesty’s reign, whereby her Majesty was impowered to appoint Commissioners, under the Great-seal of England, to treat with Commissioners, to be authorized by the Parliament of Scotland, concerning an Union of the kingdoms of England and Scotland, it is provided and enacted, that the Commissioners to be named in pursuance of the said act should not treat of or concerning any alteration of the liturgy, rites, ceremonies, discipline, or government of the church, as by law established, within this realm; and whereas certain Commissioners appointed by her Majesty, in pursuance of the said act, and also other Commissioners, nominated by her Majesty, by the authority of the Parliament of Scotland, have met and agreed upon a Treaty of Union of the said kingdoms, which treaty is now under the consideration of this present Parliament; and whereas the said Treaty, with some alterations therein made, is ratified and approved by act of Parliament in Scotland, and the said act of ratification is by her Majesty’s royal command laid before the Parliament of this kingdom; and whereas it is reasonable and necessary that the true Protestant religion professed and established by law in the church of England, and the doctrine, worship, discipline, and government thereof, should be effectually and unalterably secured; Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by authority of the same, that an act made in the thirteenth year of the reign of Queen Elizabeth of famous memory, intituled, “ An act for the Ministers of the Church to be of sound religion;” and also another act made in the thirteenth year of the reign of the late King Charles the second, intituled, “ An act for the uniformity of publick prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons, in the Church of England” (other than such clauses in the said acts, or either of them, as have been repealed or altered by any subsequent act or acts of Parliament), and all and singular

singular other acts of Parliament now in force, for the establishment and preservation of the Church of England, and the doctrine, worship, discipline, and government thereof, shall remain and be in full force for ever. And be it further enacted, by the authority aforesaid, that after the demise of her Majesty (whom God long preserve!) the Sovereign next succeeding to her Majesty in the royal government of the Kingdom of Great Britain, and so for ever hereafter every King or Queen succeeding and coming to the royal government of the kingdom of Great Britain, at his or her coronation, shall in the presence of all persons who shall be attending, assisting, or otherways then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established within the kingdoms of England and Ireland, the dominion of Wales, and town of Berwick upon Tweed, and the territories thereunto belonging. And be it further enacted, by the authority aforesaid, that this act, and all and every the matters and things therein contained, be, and shall for ever be, holden and adjudged to be a fundamental and essential part of any Treaty of Union to be concluded between the said two kingdoms; and also that this act shall be inserted in express terms in any act of Parliament which shall be made for settling and ratifying any such Treaty of Union, and shall be therein declared to be an essential and fundamental part thereof. May it, therefore, please your most Excellent Majesty, that it may be enacted, And be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, that all and every the said Articles of Union as ratified and approved by the said act of Parliament of Scotland as aforesaid, and herein before particularly mentioned and inserted, and also the said act of Parliament of Scotland, for establishing the Protestant religion, and Presbyterian Church government, within that kingdom, intituled, "Act for securing the Protestant religion and Presbyterian Church government," and every clause, matter, and thing in the said Articles and Act contained, shall be, and the said Articles and Act are hereby for ever ratified, approved, and confirmed. And it is hereby further enacted, by the authority aforesaid, that the said act passed in this present session of Parliament, intituled, "An act for securing the Church of England as by law established," and all and every the matters and things therein contained, and also the said act of Parliament of Scotland, intituled, "Act for securing the Protestant religion and Presbyterian Church government," with the establishment in the said act contained, be, and shall for ever be, held and adjudged to be and observed as fundamental and essential conditions of the said Union, and shall in all times coming be taken

to be, and are hereby declared to be, essential and fundamental parts of the said Articles and Union; and the said Articles of Union so as aforesaid ratified, approved, and confirmed, by act of Parliament of Scotland, and by this present act, and the said act passed in this present session of Parliament, intituled, “An act for securing the Church of England as by law established,” and also the said act passed in the Parliament of Scotland, intituled, “Act for securing the Protestant religion and Presbyterian Church government,” are hereby enacted and ordained to be and continue, in all times coming, the compleat and intire Union of the two kingdoms of England and Scotland.

And whereas, since the passing the said act in the Parliament of Scotland for ratifying the said Articles of Union, one other act, intituled, “Act, settling the manner of electing the sixteen Peers and forty-five members to represent Scotland in the Parliament of Great Britain,” hath likewise passed in the said Parliament of Scotland, at Edinburgh, the fifth day of February one thousand seven hundred and seven, the tenor whereof follows: OUR SOVEREIGN LADY considering that, by the twenty-second article of the Treaty of Union, as the same is ratified by an act passed in this session of Parliament, upon the sixteenth of January last, it is provided, that, by virtue of the said Treaty, of the Peers of Scotland, at the time of the Union, sixteen shall be the number to sit and vote in the House of Lords, and forty-five the number of the representatives of Scotland in the House of Commons, of the Parliament of Great Britain; and that the said sixteen Peers, and forty-five members in the House of Commons, be named and chosen in such manner as by a subsequent act in this present session of Parliament in Scotland should be settled; which act is thereby declared to be as valid, as if it were a part of, and ingrossed in, the said Treaty; therefore, her Majesty, with advice and consent of the Estates of Parliament, statutes, enacts, and ordains, that the said sixteen Peers, who shall have right to sit in the house of Peers in the Parliament of Great Britain on the part of Scotland, by virtue of this Treaty, shall be named by the said Peers of Scotland whom they represent, their heirs, or successors to their dignities and honours, out of their own number, and that by open election and plurality of voices of the peers present, and of the proxies for such as shall be absent, the said proxies being Peers, and producing a mandate in writing duly signed before witnesses, and both the constituent and proxy being qualified according to law; declaring also, that such peers as are absent, being qualified as aforesaid, may send to all such meetings lists of the Peers whom they judge fit, and validly signed by the said absent Peers, which shall be reckoned in the same manner as if the parties had been present, and given in the said list: And in case of the death, or legal incapacity, of any of the said sixteen Peers, that the afore-

said

said Peers of Scotland shall nominate another of their own number in place of the said Peer or Peers in manner before and after mentioned. And that of the said forty-five representatives of Scotland in the House of Commons in the Parliament of Great Britain, thirty shall be chosen by the shires or stewartries, and fifteen by the royal burrows, as follows, *videlicet*, one for every shire and stewartry, excepting the shires of Bute and Caithness, which shall choose one by turns, Bute having the first election; the shires of Nairn and Cromarty, which shall also choose by turns, Nairn having the first election; and in like manner the shires of Clackmannan and Kinross shall choose by turns, Clackmannan having the first election: And in case of the death or legal incapacity of any of the said members from the respective shires or stewartries above-mentioned, to sit in the house of Commons; it is enacted and ordained, that the shire or stewartry who elected the said member shall elect another member in his place. And that the said fifteen representatives for the royal burrows be chosen as follows, *videlicet*, That the town of Edinburgh shall have right to elect and send one member to the Parliament of Great Britain; and that each of the other burghs shall elect a Commissioner in the same manner as they are now in use to elect Commissioners to the Parliament of Scotland; which Commissioners and burghs (Edinburgh excepted), being divided in fourteen classes or districts, shall meet at such time and burghs within their respective districts as her Majesty, her heirs or successors, shall appoint, and elect one for each district, *videlicet*, the burghs of Kirkwall, Wick, Dornock, Dingwall and Tayne, one; the burghs of Fortrose, Inverness, Nairn and Forres, one; the burghs of Elgin, Cullen, Banff, Inverury and Kintore, one; the burghs of Aberdeen, Inverbervie, Montrose, Aberbrothock and Brichen, one; the burghs of Forfar, Perth, Dundee, Cowper and St. Andrews, one; the burghs of Crail, Kilrennie, Anstruther Easter, Anstruther Wester, and Pittenweem, one; the burghs of Dyfart, Kirkcaldie, Kinghorn and Bruntisland, one; the burghs of Innerkeithing, Dumfermline, Queensferry, Culrofs and Stirling, one; the burghs of Glasgow, Renfrew, Ruglen and Dumbarton, one; the burghs of Haddington, Dunbar, North Berwick, Lawder and Jedburgh, one; the burghs of Selkirk, Peebles, Linlithgow and Lanerk, one; the burghs of Dumfreis, Sanquhar, Annan, Lochmaben and Kirkcudbright, one; the burghs of Wigtoun, New Galloway, Stranrawer and Whitehern, one; and the burghs of Air, Irvine, Rothefay, Campbeltoun and Inverary, one. And it is hereby declared and ordained, that where the votes of the Commissioners for the said burghs, met to choose representatives from their several districts to the Parliament of Great Britain, shall be equal, in that case the President of the meeting shall have a casting

or decisive vote, and that by and according to his vote as a Commissioner from the burgh from which he is sent, the Commissioner from the eldest burgh presiding in the first meeting, and the Commissioners from the other burghs in their respective districts presiding afterwards by turns, in the order as the said burghs are now called in the Rolls of the Parliament of Scotland. And that in case any of the said fifteen Commissioners from burghs shall decease, or become legally incapable to sit in the House of Commons, then the town of Edinburgh, or the district which chose the said member, shall elect a member in his or their place: It is always hereby expressly provided and declared, that none shall be capable to elect or be elected for any of the said estates but such as are twenty-one years of age compleat, and Protestant, excluding all Papists, or such who, being suspect of Popery and required, refuse to swear and subscribe the *formula* contained in the third act, made in the eighth and ninth sessions of King William's Parliament, intituled, "Act for preventing the growth of Popery;" and also declaring, that none shall be capable to elect or be elected to represent a shire or burgh in the Parliament of Great Britain for this part of the United Kingdom, except such as are now capable by the laws of this kingdom to elect or be elected as Commissioners for shires or burghs to the Parliament of Scotland. And further, her Majesty, with advice and consent aforesaid, for the effectual and orderly election of the persons to be chosen to sit, vote, and serve, in the respective Houses of the Parliament of Great Britain, when her Majesty, her heirs or successors, shall declare her or their pleasure for holding the first, or any subsequent Parliament of Great Britain, and when for that effect a writ shall be issued out under the Great-seal of the United Kingdom, directed to the Privy Council of Scotland, conform to the said twenty-second article, statutes, enacts and ordains, that, until the Parliament of Great Britain shall make further provision therein, the said writ shall contain a warrant and command to the said Privy Council to issue out a proclamation in her Majesty's name, requiring the Peers of Scotland for the time to meet and assemble at such time and place within Scotland as her Majesty and royal successors shall think fit, to make election of the said sixteen peers; and requiring the Lord Clerk Register, or two of the Clerks of Session, to attend all such meetings, and to administer the oaths that are or shall be by law required, and to ask the votes; and, having made up the lists in presence of the meeting, to return the names of the sixteen Peers chosen (certified under the subscription of the said Lord Clerk Register, Clerk or Clerks of Session attending) to the Clerk of the Privy Council of Scotland; and, in like manner, requiring and ordaining the several freeholders in the respective shires and stewartries to meet and convene

at the head burghs of their several shires and stewartries, to elect their Commissioners, conform to the order above set down, and ordaining the Clerks of the said meetings, immediately after the said elections are over, respectively to return the names of the persons elected to the Clerks of the Privy Council; and, lastly, ordaining the city of Edinburgh to elect their Commissioner, and the other royal burghs to elect each of them a Commissioner, as they have been in use to elect Commissioners to the Parliament, and to send the said respective Commissioners, at such times, to such burghs within their respective districts as her Majesty and successors, by such proclamations, shall appoint; requiring and ordaining the common Clerk of the respective burghs, where such elections shall be appointed to be made, to attend the said meetings, and immediately after the election to return the name of the persons so elected (certified under his hand) to the Clerk of Privy Council; to the end that the names of the sixteen Peers, thirty Commissioners for shires, and fifteen Commissioners for burghs, being so returned to the Privy Council, may be returned to the court from whence the writ did issue, under the Great-seal of the United Kingdom, conform to the said twenty-second Article: And whereas, by the said twenty-second Article, it is agreed, that if her Majesty shall, on or before the first day of May next, declare that it is expedient the Lords and Commons of the present Parliament of England should be the Members of the respective Houses of the first Parliament of Great Britain, for and on the part of England, they shall accordingly be the members of the said respective Houses for and on the part of England; her Majesty, with advice and consent aforesaid, in that case only, doth hereby statute and ordain, that the sixteen Peers and forty-five Commissioners for shires and burghs, who shall be chosen by the Peers, Barons, and burghs, respectively, in this present session of Parliament, and out of the members thereof, in the same manner as Committees of Parliament are usually now chosen, shall be the members of the respective houses of the said first Parliament of Great Britain for and on the part of Scotland; which nomination and election being certified by a writ under the Lord Clerk Register's hand, the persons so nominated and elected shall have right to sit and vote in the House of Lords, and in the House of Commons, of the said first Parliament of Great Britain, as by the said act passed in Scotland for settling the manner of electing the sixteen Peers and forty-five Members to represent Scotland in the Parliament of Great Britain may appear; be it therefore further enacted and declared, by the authority aforesaid, that the said last-mentioned act passed in Scotland for settling the manner of electing the sixteen Peers and forty-five members to represent Scotland in the Parliament of Great Britain, as aforesaid, shall be, and the same is hereby declared to be, as valid as if the same had been part of, and ingrossed in, the said Articles of Union,

ratified

ratified and approved by the said act of Parliament of Scotland, and by this act as aforesaid. Ego Matheus Johnson Armiger Clericus Parliamentor. virtute brevis dict. Domine Regine de certiorand. mihi direct. & his annex. Certifico superiùs hoc scriptum verum esse tenorum actus Parliamenti supradict. in eo brevi expressi. In cujus rei testimonium huic schedule sigillum meum apposui, nomenque meum subscripsi. Dat. septimo die Martii anno regni dictæ Domine Regine quinto, annoque Domini millesimo septingentesimo sexto. Math. Johnson. Nos autem separales tenores brevis retorn. & actus predict. duximus exemplificand. per presentes. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipsa apud Westmonaster. septimo die Martii anno regni nostri quinto.

W R I G H T E.

A P P E N D I X.

P A R T I.

Containing an Account of Transactions in both Parts of the United Kingdoms, subsequent to the *Union*; being an Abridgment of the several Alterations made in the Laws, Trade, Customs, and Constitution, of both Kingdoms, by the *Union*.

THE Union was no sooner concluded, and the Ratifications exchanged, as has been said, but an unlucky business happened, that opened afresh the mouths of those that had all along watched occasions for that purpose, and furnished them with matter of new clamour. The particulars are as follows:

The time when the Union was to take place was the first of May; after which, by the fourth Article of the Treaty, the subjects of either kingdom were to have a free intercourse of trade, to enjoy equal privileges, and were to be upon an equal foot as to taxes, customs, duties, prohibitions, &c. as by words of the Treaty, viz. Article 4th.

“ That all the subjects of the United Kingdom of Great Britain shall, from and
 “ after the Union, have full freedom and intercourse of trade and navigation to
 “ and from any port or place within the said United Kingdom, and the dominions
 “ and plantations thereunto belonging; and that there be a communication of all
 “ other rights, privileges, and advantages, which do, or may, belong to the subjects
 “ of either kingdom, except where it is otherways expressly agreed in these Ar-
 “ ticles.”

But

But in the interval of time, between the finishing of the Treaty and the first of May, all things by consequence remained as they were, and all merchandizes being imported into Scotland upon the foot of the former customs, which were much lower than in England, the merchants in both kingdoms, laying hold of that advantage for their private gain, freighted abundance of ships in France and Holland with all sorts of goods, which paid high duties in England, landing them in Scotland, and paying only the Scots dues, presuming that, after the first of May, they should be sent free to England, according to the general Article of Freedom of commerce.

To let the reader more exactly into this case, I shall state the difference of the duties of some of the several commodities, which, being thus imported into Scotland, were after to be carried into England; such as wines, brandies, salt, lintseed, iron, timber, deals, &c. being the chief kinds of goods imported in Scotland, and of which the duties were most complained of.

Besides this, it is to be observed, that the Customs of Scotland being let in tack, as they call it in Scotland, or in farm as in England, the Tacksmen or Farmers, to encourage the merchants to make large importations, made several compositions and abatements to them, less or more, according as the quantity of the goods imported. Encouraged by this means, the customs were still reduced, and yet the Farmers of the Customs made great gain of that interval of trade.

Another Article of the contrivance of the merchants on this head was in England, upon the drawbacks on foreign goods imported there, and exported again by certificate.

And this indeed was less honest by far than the other, though both of them politic enough; and, which was thought, had slipped the notice of the Treaters on both sides during the negotiating the Treaty.

The exporters in this case sent goods from England to Scotland by certificate, drawing back the duties paid on their import in England, as being sent to a foreign country: After the Union the kingdoms becoming one, it was by the Treaty left open for them to carry the same goods back into England, and sell them there, as if they had paid the duty.

The principal article this circumstance relates to was tobacco, which paying a large duty of near sixpence per pound in England, above six thousand hogsheads, as I have been told (some have said much more, even to double the quantity, but I chouse to relate the lowest number), were sent into Scotland, and five *per* pound of the said custom drawn back by the merchant.

I need not acquaint the reader, that the exporter was both bound in a bond with securities, and also sworn against the re-landing or returning it into England again; but, as the Union gave a free intercourse of trade, *i. e.* exporting and

importing to and from the respective kingdoms, without paying any duties, or any molestation whatsoever, so their bonds seem'd to be of no value in that case; but whether the oath was of no value to them is another affair, and not for me to determine here.

It is evident, the tobacco was sent to Scotland in quantities so much above the usual consumption of that country, that it could rationally be esteem'd to be with no other prospect than of returning it into England again after the Union, and so to obtain the advantage of the drawback.

In like manner, it is evident, the great import into Scotland of wines and brandy from France, either directly, or by way of Holland, was so much beyond the ordinary consumption of the place, that it could be with no other end than the carrying it into England after the Union should take place, nor did the merchants stick to own that to be in the design.

The Merchants in London, especially such as were concerned in the trade to Spain, Italy, and Portugal, and consequently had the greatest injury, made loud complaints of this, as an intolerable inequality, and a thing so unjust that they made no doubt to concern the Government in it, and the Parliament being then sitting, they address'd to House of Commons for relief.

Their address was followed with numerous solicitations, they even wearied the Members, the Secretaries of State, and every body, that they thought would espouse their cause; that, as some have express'd it, they almost drove the House, by the force of their clamours, upon a debate of a thing which most people thought they had really no power, at least no reason, to meddle with.

The Parliament then sitting was the same which had, in concert with the Parliament of Scotland, made this Union; and it could not seem reasonable, that the Parliament of England, in its separate capacity, could be qualified to explain any part of the Articles, which were then ratified and recorded in both kingdoms, and neither Parliament could determine in things belonging to the other, any more than they could have done before the Treaty.

However this was, the House of Commons went upon it, great application being made by the English Merchants, and after some debate came to this resolution.

Resolved,

“ That the importation of goods and merchandises, of the growth and produce of France and other foreign parts into Scotland, in order to be brought from thence into England after the first of May, and with intention to avoid the payment of the English duties, will be to the damage and ruin of the fair traders, to the prejudice of the manufactures of England, a great loss to her Majesty's revenue of the Customs, and a very great detriment to the public.”

And, in pursuance of this resolution, a bill was ordered to be brought in, the enacting part of which I have annexed to this work, in the Appendix N^o C. (3). The title of it was as follows.

“ A Bill to prevent the mischiefs of a fraudulent practice, in obtaining drawbacks for goods carried from England to Scotland, in order to be brought back again, and in carrying goods from foreign parts into Scotland, in order to be brought into England, without paying the English duties, and for better securing the duties of goods brought from the East Indies, was (according to order) read a second time, and committed to a Committee of the whole House.”

This bill past all the usual forms in the House of Commons, and went up to the Lords, but, after long debate in the upper House, the Lords rejected it.

It is true, that, upon the petitions and representations of the Scots Merchants, there were long debates, and great difficulties in the passing this bill in the House of Commons; and the Scots, demanding, by the letter of the Treaty, a free intercourse of trade, alledged they could not be refused the importing of any goods out of Scotland into England, which were not by law counterband in Scotland before the said Treaty, since having been fairly admitted to an entry in the Custom-house of Scotland, and all the duties which were demanded being paid, the free intercourse of trade between the nations immediately opened all the ports of England to their goods.

This argument was too powerful and too plain not to have its weight in the House: But, to solve this, there was an exception put into the bill for the property of Scots Merchants, as a thing which would effectually remove their scruples, and answer the end both of the Union one way, and of the Portugal Merchants another; for the complaint seemed to lie not so much against the freedom of Scots Merchants importing their own goods, but of foreigners, Dutch, French, Jews, and English, who, under the cover of Scotsmen, had crowded in vast quantities of wine and brandy, merely to evade paying the English duty, taking the advantage of the interval of time, and thereby bringing their goods to market upon terms vastly differing from the course of trade.

To prevent this, the act was to provide, that all the properties of the Scots Merchants should be exempted, and be allowed to come to England, but this was restricted in point of proof. (1.) The *onus probandi* lay upon the merchant, in which many niceties occurred needless to be mentioned here (2.) None were to be reputed Scots Merchants but such as resided in Scotland: this excluded the Scots Merchants at London and in Holland, who were deeply embarked in these importations, and on whose management the chief part of the design was charged. (3.) The proof of the importations and properties lay before the Commissioners of the Customs, and it was doubtful how it should be determined.

Under

Under all these difficulties, with other restrictions needless here, this first act struggled and past the Commons; and yet it was thought also, that, had the Scots been fairly excepted, they would have been well enough pleased with such a difference, and they would have had some reason to have been so; nor was the exception of foreigners altogether unreasonable, the thing being really a fraud in trade, and a hardship upon the fair traders: But the main objection turned upon another point, *viz.* the power the Parliament of England alone could have to determine, construe, or explain, any one of the Articles of the Union, which being made by the concurrence of the two respective kingdoms, could not be subject to the cognisance of either Parliament in its separate capacity; and upon this head the Lords rejected the bill. And this being the main thing in my observation, on which the whole case depended, I have purposely omitted the reasonings on that article on either side, which were very many, referring my reader to the substance of the Address of the Scots Merchants to the House of Lords, and to an observation made by an eminent Member of the Parliament, which I have added in the Appendix, in order to leave this case as clear to posterity as is possible, marked N^o (D3.) and N^o (E 3.).

However, it was absolutely necessary, if possible, to bring this affair to some conclusion; and, in order to this, the Parliament at that time drawing near an end, for they could sit no longer than the last of April, the Union commencing the first of May, wherefore it was thought expedient to give the House a short recess, that this matter might come again upon the stage, whereupon the Queen prorogued the Parliament for three days only, and in a short speech made them acquainted with the reason of it, *viz.* in order to find out an expedient to prevent any mischiefs arising to either kingdom in the short interval of time between that and the commencement of the Union. ⁴⁴

When the House met again, the Commons began again and voted to the same purpose as before, and ordered a bill to be brought in, in the same terms as before.

The vote of the House of Commons ran thus;

“ That the importation of sundry goods of the growth of France, through Scotland into England, with design to avoid paying the duties payable for the same in England, is a notorious fraud, ruinous to the fair trader, and injurious to her Majesty’s revenue.”

Upon this vote, the merchants at London renewed their clamours; and all methods possible were made use of to bring the Parliament into it, the Government would willingly have found out some expedient to have softened the general complaint, and to have prevented the injury to the revenue; but all mediums were found imperfect; and the House of Lords persisting in the first scruple, it fell to the ground.

While this was transacting, the merchants went on with their importation, and though the quantity did not amount to what had been alledged would be brought in, yet it was a very great quantity indeed, and the damage to the revenue in England appears by the following calculation.

There were not some wanting in either kingdom, who expected to make early objections against this proceeding, as a breach of the Union on the English side, and, had the act past, though with the utmost precautions, discovered that they would have improved that suggestion to the utmost; and yet it was observable, that none were so forward to approve of the act of restriction as some gentlemen who declared their aversion to the Union, and their willingness to have it dissolved again.

Whatever loss, therefore, the Government received by this affair, they avoided the stroke it would have given to the Union; and the enemies of the Treaty lost the opportunity of saying it was broken.

The first of May being arrived, the Scots Merchants began to apply themselves to the Government for the settlement of this matter, and the importation of their goods to England: this held a long debate, and took up a great deal of time; however, the Scots shipped their goods, took certificates in Scotland of their being fairly imported there before the first of May, and, though after many hesitations and delays, about the middle of June the fleet sailed for London, consisting of about forty sail, mostly loaded with wine and brandy.

As soon as they arrived in the river of Thames, the Custom-house officers made a general seizure both of ship and goods; and all was put to a full stop.

This perplexed the merchants very much, and loud clamours were made of it in Scotland, as a breach of the Union; the royal boroughs in Scotland held their Convention upon this affair, and the Merchants concerned in the said ships presented a petition to them, which, because it relates the complaint in express terms, and for the information of those people in England who do not particularly understand the methods there, I insert at large in the Appendix.

It may be observed, that the royal burghs in Scotland have their meetings on emergent occasions, for the regulation of Trade, and settling their own affairs, besides their annual meeting.

The Merchants of Scotland, generally speaking, are all freemen of some one or other of these burghs; and there happening to be a convention, or meeting, as above, at that time, the Merchants presented to them their petition, intreating them to represent their case to the Queen, setting forth their grievances: this petition you will find in the Appendix, N^o A. (3.).

Pursuant to this petition, the Convention of burroughs represented their case very earnestly to the Government, by the means of the Scots Secretaries of State,

then at London.—Their addrefs I have alfo placed in the Appendix to this work, N^o B. (3.).

And thus the cafe was wholly referred to the Queen and Council.

It was thought hard indeed that the fhips fhould not be fuffered to unlade, the feafon being hot, and the wines expofed to fpoil; but there was no immediate remedy. The Custom-house officers could not poffibly do otherwife, for this reafon: had the debate been what duty they fhould pay, they might have fuffered them to unlade into the Queen's ware-houfes, and have detained them there till fuch duty had been paid. But the trade of France being univerfally prohibit by A^{ct} of Parliament, they could not be admitted to an entry, but were all forfeited, both fhips and goods.

The Government willing, if poffible, to give the neceffary relief in this exigence, the Attorney General, and all other judges whose advice was neceffary, were required to give their opinion; but they differed in their judgements fo much, that no refolution could be made in it.

However, that the merchants might be made eafy, it was propofed to them, that they fhould land their goods, upon condition that they gave fecurity to ftand to the judgment of the British Parliament. This was thought but reafonable, and fome complied with it, and had their fhips unloaden: others refufed fuch fecurities, and their goods lay longer, and fuffered more.

At length a medium was found out, which was to let all the merchants have the poffeffion of their goods, ferving the poffeffors of the goods with a writ of *devenirunt* out of the Exchequer. This is a kind of writ which puts the matter in a form of profecution only, that, in cafe of further occafion, the Queen might recover her dues; and fo the merchants had their goods, and the decifion of it was left to time and to the British Parliament.

Thus it continued in a courfe of law, though not under profecution, till the meeting of the British Parliament; when, by a vote of the Houfe of Commons, the whole affair was difcharged, and all profecutions ordered to be ftopt, of which hereafter. Mean time the claufe in Parliament, fo much ftruggled about, you will find in the Appendix to this work, N^o C (3).

Thus ended this difficult matter, in which is to be noted the exactnefs of the Houfe of Lords, and tendernefs in refpect to the Union, which delivered us from the apprehenfions of an invafion upon the articles; and notwithstanding the damage done to the revenue, which was finally facrificed to the eafe of the peoples minds, the whole claim was let fall.

It may be thought it had this ufe, however, that the difficulty which appeared in it checked the quantity of the goods that would otherways have been brought in,

in, which would have been intolerable; and some thought this was part of the design of it.

While this was transacting, the Government began to take the state of the nation into their consideration, in order to settle things conform to the respective constitutions, and yet to put the Union as far in practice as the general circumstances would admit; and this took up the most part of the time between the first of May, when the Union took place, and the sitting down of the first British Parliament, nor was the thing without its difficulties, as will appear in the several articles following.

1. The Customs.
2. The Excise.
3. The Equivalent:
4. Petty Justice.
5. The Forces and the Coin.

Previous to these particulars it is requisite to observe, that the administration of publick affairs was left to remain, as before, in the ministry of a Privy Council, a Treasury, a Chancellor, and two Secretaries of State, with all other dependents and substitutes as before.

This the Queen thought fit to order, not only because the weight of business was too great, and the particulars too nice, and of too much consequence to suffer a sudden change, which would have made large intervals in the course of administration, put a stop to the publick business, and influence private persons affairs also. But as the Queen has always thought it best, in such cases, to take advice of her great Council the Parliament, a happiness we have often complained for want of in former reigns; so it was referred to the sitting of the British Parliament, that it might be settled to the satisfaction of the nation, by the advice of their full representative.

Thus the civil list remained as it was, the army was subsisted upon the old establishment, and paid from the cefs granted by the Parliament of Scotland, as far as it extended, the deficiency was left to the Parliament of Britain to supply, as appears by the Act of Parliament granting the cefs.

On the first of May, one thousand seven hundred and eight, the army received their pay from London, the regiment of foot-guards was received as English guards, and the command of them given to the Marquis of Lothian as colonel. The guards were cloathed after the English manner; I mean, as the English guards; and the whole establishment of the force received their regulations and pay from the British Government.

But two things required an immediate application, viz. the Customs and Excise; for these being to be established upon a new foot, viz. according to the
Articles,

Articles, and to commence precisely on the first of May, it was absolutely necessary that they should be first settled.

The same reasons made it absolutely necessary to bring down some Englishmen, to supply inferior offices, both in the Customs and Excise, at least till proper persons might be found or instructed to act without them.

It was thought at first, that, as Scotland being united to England, the whole United Kingdom coming under one denomination, and under one method of Government, so the revenues should become united in one general collection, that the Customs should be managed by the commissioners at London, and under them only by collectors and other officers in the respective ports in Scotland as it is in England, all subservient to, and under the government of, the commissioners at London, and the like in the Excise.

But the business appeared too weighty and embarrassed with too many difficulties to admit of such a conjunction; and indeed were I to enter into an historical account of the labyrinths which the first settlement of these duties led the managers of them into, what difficulties they met with, what clamours were raised at their conduct, however impartially they endeavoured to act, it would look as if I were going to write of persons instead of relating things, and that is none of my business here.

It will be enough here to touch the matters of fact, by which it will appear, both that the Government proceeded in the best method, in putting the Customs and Excise into a distinct management in Scotland; and also, that the commissioners of both shewed they wanted neither judgment or application in a settlement so speedy under such perplexed circumstances as they found these revenues in at first.

The commissioners named for the management of the Customs were, as is noted, three English-men, two Scots-men.

Sir Alexander Rigby,	}	English-men.
James Isaacson, Esq.		
Lionel Norman, Esq.		

Sir Robert Dickson, Baronet,	}	Scots-men.
Mr. Will. Boyle, brother to the Earl of Glasgow,		

The whole extent of the kingdom lay before them, and they had not only new officers to place in the respective ports, but they had all their old officers to instruct in the new methods, customs, and manner of securing and accounting the respective duties.

This obliged the Government, even before commissioners were named, and before the time for the new collection began, to direct five persons from England, experienced in the methods and usage of the Customs, to go down into Scotland,

to put them into some manner of order as to exports and imports, especially of goods to be passed between the two kingdoms when the Union was to take place, and of imports which might happen before the commission came down; as also to regulate the collection of the subsequent duties, secure the payment, and instruct the officers; and this was about the latter end of April. If the disorders these gentlemen found the Custom-house in, the confusion of method and remissness of practice was material to note in a history, it would take up a large discourse here, and make the necessity of a new modelling the Custom house more distinctly appear.

These gentlemen, though it was impossible to build any thing upon the method they found things in, yet by their diligence and application brought them to a little of a form, and prepared them the better for the regulations which were to follow.

These were the following persons.

Mr. Lionel Norman, since one of the commissioners, from the Custom-house at Berwick.

Mr. Jessop Bougton, since secretary of the Customs, from the Custom-house at London.

Mr. John Colquit, since collector at Leith, from Chester.

Mr. John Sewell, from Carlisle.

Mr. Warwick Arthur, from Burlington.

The first clamour I meet with against these proceedings, was the filling all the commissions up with English-men and strangers, and I mention it; not that it was a real ground of complaint, their number being not one-fifth part of the whole, as appears by their establishment; but to remark how readily every thing was laid hold upon to reproach the Union, as being either originally designed for, or consequentially improved to, the particular advantage of the English separately considered.

Now although the small number of English employed in the Customs were a sufficient answer to the objections, and a full justification of the English Government in that case; yet it is a more clear defence when it is considered that it was impossible to introduce the new method of collection, the rules of their keeping their several offices and their accompts, which were all now to be done after the English manner, without the assistance of officers from England, who had been bred up to the same business, and were absolutely masters of the methods practised in England; of which by itself.

But to return to the question, I mean the necessity of a separate collection of the Customs and Excise in Scotland, it will further appear in reflecting on the proceedings of the officers in the prosecution of their new methods.

For,

For, first, the people finding the duties on French goods so extravagantly high, that the stealing the Customs was more worth their while than usual, fell upon that practice with so much eagerness, that it was not in the power of the Custom-house officers at first to suppress it. At several places they practised it so openly, and with such assurance, that, when the officers had made their seizures, they were driven from them by the rabbles, and the goods attempted to be taken from them by force; and a fleet arriving from Holland about the months of August or September after the Union, it was thought that several thousand small casks of brandy were conveyed secretly on shore, which it was impossible to prevent; but of this I shall be more particular by and by.

It was time therefore to take new methods; and, the commissioners applying themselves to the Government in this matter, soldiers were appointed to defend the collectors as occasion should offer, and the persons who had resisted, as above, were seized, and ordered to be prosecuted. I might give a long history here of the frauds and violences put upon the Government in the matters of the Customs, by which whole ships' loadings of goods were attempted to be put on shore, without paying the Custom; but this is enough to make it plain what occasion there was of a strict and exact management in this affair, and consequently of a separate commission.

The business of the Customs also in Scotland had been under a management quite different from that in England. The commissioners found the trade small, the officers few and discouraged, their salaries small, and the extent of the ports vastly large; so that of that small business there was in the nation, much of it was carried on by the clandestine management of the merchant; and though the farmers or tacksmen did their utmost with the officers they had, yet it was impossible to prevent the running great quantities of goods.

If this was a general practice before, much more was it so now, when the sweetness of it was tasted by the merchants after the Union, when the duty of wine and brandy was about five times to eight times as much as it was before. This, added to the inconveniencies the Custom-house at first laboured under, made it impossible to put a stop to the irregular practice of the merchants. The firths of Forth and Clyde are known to be very large, and the whole kingdom full of creeks, coves, harbours, and bays, that unless a little army of officers had been maintained, it was not possible they could easily check the running goods on shore, where there was so great a temptation and opportunity.

But, in order to rectify this as much as possible, riding officers were appointed to survey the coast. These were useful, to observe the officers that they did their duty; and withal, to inform the commissioners of what happened, to regulate the ports, and direct the fixing officers in proper places.

These consisted of four general riding surveyors, who, dividing the whole kingdom in proper districts, had twelve riding officers under them, three to each surveyor. These were subject to the orders and inspection of the first four; and all subject to the general orders of the commissioners themselves, as they found occasion. Nor did the commissioners themselves stick, as they found the service required it, to take a personal inspection into the business of the Customs at their first planting; frequently making long journies themselves to visit the coast, and rectify such abuses as they found requisite; which, though not usual, they made no difficulty to do, at the first settlement of this nice branch of the revenue.

Several cruising vessels also and small boats were built, for the Custom-house officers were intirely without them before, by which they were able to visit and search ships as they appeared at any time in the sea, off of the ports, or in all the creeks and rivers, as there was occasion: for want of which it was frequently practised for ships to appear at a distance, make signals for their confederates, who came off in boats, and so delivered the goods they designed to run before they came into port. These boats, particularly in the firth of Forth, having the whole firth to range in, had their appointed signals also on the shores, whereby they never failed to have notice if the officers appeared, and could shift from port to port, or from one side of the firth to the other, till they had a clear port to land in; and the Custom-house officers might have the satisfaction to stand on the shore, and look on, but, having no vessel or boat to go off in, could not prevent the fraud.

But this was intirely prevented by the vigilance of the commissioners, who placed their cruising vessels in proper stations on the sea, and their several smaller boats in the rivers, creeks, and ports; and these concurred together with the riding officers and surveyors on shore, who, in their constant circuits, answered exactly by land what the said vessels did on the sea. By the exactness of this method, the affair of the Customs presently came into form, and things looked with a new face in trade, to the satisfaction of fair traders, and the better collecting and securing the duties.

And for the better explaining the particular management of the Customs in Scotland as to this point, and giving a proof of what I have noted as above, I have added a brief scheme of the several stations of the said cruisers by sea, their appointed business, and original coasts, together with the stations of the riding officers on shore, which will be found Appendix, part II. N^o (R x x, S x x), and to which the reader is referred. A scheme also of the difference of several duties before and after the Union, from which the encouragement for these

these disorders were drawn; these you will find Appendix, part II. N^o (T x x, V x x, X x x).

I have been the longer on this, as well to give the true reasons why it was absolutely necessary to place English officers in Scotland, in order to regulate the collection, as why it was absolutely necessary to have a distinct commission in Scotland: and this will always hold to be a reason for such a method, it being impracticable that all the variety of cases which shall happen there should be determined by the Board at London, or left to the arbitrary decision of single collectors: and this was one reason, among others, why the Parliament found it necessary to have a court of Exchequer established in Scotland, in which all the seizures, confiscations, and pleas, between the merchant and the Custom-house officers, should be determined, since it would have been an insupportable grievance, both to the Queen as well as to the subject: To the first, to have had such pleas determined in the ordinary methods of the law; and to the second, to have been obliged to defend themselves in England, whither witnesses must have been sent, and the defendants have been bound to have appeared upon every trifling occasion; of which by itself.

As the Customs were thus necessarily put under a separate collection, so was the Excise. That branch of the revenue was not without its difficulties; and as there would be every day niceties and difficulties arising which no Government could foresee; so it would have been too great a neglect of Scotland to have put the determination of that whole branch of the revenue into the hands of single collectors.

Again, the disputes in the Excise in England being referred wholly to the justices of the peace, and at the first settling this duty there being no justices of peace settled in Scotland; it would too much have exposed the subject, to have left them to the arbitrary decision of inferior collectors, and too much have exposed the Government, to have left the Queen without a due power to have secured the revenue.

But there were yet other reasons which made the establishing separate Commissions in Scotland for the revenue, as above, to be absolutely necessary; and this was the eighteenth and nineteenth Articles of the Union, which appointed the laws of Scotland to remain in force as they were. One consequence of this Article was, that all the pleas of the Crown, as well as all matters of private right, became cognoscible only in Scotland, and to be judged by what was before or was now to be deemed the law of Scotland.

Hence it appeared absolutely necessary to have two new courts erected in Scotland; that is to say, new in method, though not in name, *viz.* a Court of Admiralty, and a Court of Exchequer; the first to determine maritime

disputes; the other, such as related to the receipt of the revenue, as seizures, forfeitures, penalties, crown lands, leases, grants, patents, &c. and whatever demands the Sovereign had upon the subjects.

It was expressly stipulated in the twenty-fourth Article of the Union, “That
“a Seal in Scotland, after the Union, be always kept and made use of in all
“things relating to private rights or grants, which have usually passed the Great
“Seal of Scotland, and which only concern offices, grants, commissions, and
“private rights, within that kingdom; and that, until such Seal shall be
“appointed by her Majesty, the present Great Seal of Scotland shall be used for
“such purposes; and that the Privy Seal, Signet, Casset, Signet of the Judiciary
“Court, Quarter Seal, and Seals of Courts, now used in Scotland, be continued.”

By this clause all grants, patents, commissions, &c. were necessarily to be passed in Scotland. By this clause also it became necessary, that there should be a distinct Keeper of the Seal, and a distinct Keeper of the Signet, in Scotland, though there was but one Lord Chancellor.

Again, by the eighteenth article it was expressly stipulated, “That the laws
“concerning regulation of Trade, Customs, and such Excises, to which Scot-
“land is, by virtue of this Treaty, to be liable, be the same in Scotland, from
“and after the Union, as in England; and that all other laws, in use within the
“kingdom of Scotland, do after the Union, and notwithstanding thereof, remain
“in the same force as before (except such as are contrary to, or inconsistent with,
“the terms of this Treaty), but alterable by the Parliament of Great Britain;
“with this difference betwixt the laws concerning publick right, policy, and
“civil government, and those which concern private right, that the laws which
“concern publick right, policy, and civil government, may be made the same
“throughout the whole United Kingdom; but that no alteration be made in laws
“which concern private rights, except for evident utility of the subjects within
“Scotland.”

This drove the Treaters to the absolute necessity of forming all those particulars of the nineteenth Article, which are but the explanation of the eighteenth, “That the Court of Session, or College of Justice, do, after the Union, and
“notwithstanding thereof, remain in all time coming within Scotland as it is now
“constituted by the laws of that kingdom, and with the same authority and
“privileges as before the Union.”

This settled the laws of private right: then the Court of Admiralty comes, as a consequence of the second clause, as follows: “And that all Admiralty Juris-
“dictions be under the Lord High Admiral or Commissioners for the Admiralty
“of Great Britain for the time being; and that the Court of Admiralty now
“established in Scotland be continued; and that all reviews, reductions, or
“suspensions

“ suspensions of the sentences in maritime cases competent to the jurisdiction of
 “ that court, remain in the same manner after the Union as now in Scotland,
 “ until the Parliament of Great Britain shall make such regulations and altera-
 “ tions as shall be judged expedient for the whole United Kingdom, so as there
 “ be always continued in Scotland a Court of Admiralty, such as is in England,
 “ for determination of all maritime cases relating to private rights in Scotland,
 “ competent to the jurisdiction of the Admiralty Court; subject, nevertheless, to
 “ such regulations and alterations as shall be thought proper to be made by the
 “ Parliament of Great Britain; and that the heretable rights of Admiralty and
 “ Vice-admiralties in Scotland be reserved to the respective proprietors as rights
 “ of property; subject, nevertheless, as to the manner of exercising such here-
 “ table rights.”

That all pleas of right, whether in private right or pleas of the Crown, were cognisable only in Scotland, is proved by the same Articles, in the following words: “ And that no causes in Scotland be cognoscible by the Courts of
 “ Chancery, Queen’s Bench, Common Pleas, or any other Court of Westminster-Hall; and that the said Courts, or any other of the like nature, after the
 “ Union, shall have no power to cognosce, review, or alter the Acts or Sentences of the Judicatures within Scotland, or stop the execution of the same.”

The Exchequer, as a further consequence, follows next, in these words: “ And that there be a Court of Exchequer in Scotland after the Union, for
 “ deciding questions concerning the revenues of Customs and Excises there,
 “ having the same power and authority in such cases as the Court of Exchequer
 “ has in England; and that the said Court of Exchequer in Scotland have power
 “ of passing signatures, gifts, tutories, and in other things, as the Court of
 “ Exchequer at present in Scotland hath; and that the Court of Exchequer that
 “ now is in Scotland do remain, until a new Court of Exchequer be settled by
 “ the Parliament of Great Britain in Scotland after the Union.”

By these particular establishments may be seen not only the manner of the publick management in Scotland, but the reason of it, and from whence it became necessary to have the Court of Exchequer, the Commissions, and the separate collection of the publick Revenue, settled in Scotland, all flowing from this main original stated in the Treaty, *viz.* that all causes between the Queen and the subject are only cognisable in Scotland.

According to this foundation, the collections for the Customs and Excises were settled in Scotland in distinct commissions, as has been said; and though at first the difficulties in the said collections appeared great, and some uneasiness on every side began to rise, yet as they principally lay on the backwardness of the subject to come under a strict survey as to the duties, time wore off these things, and the people

people became more sensible of the necessity of the exact collection, in order to bring trade to an equality.

At the beginning the people thought every seizure of prohibited goods a violence upon their properties, and clamoured at the English and the Union; as if the Union had been made not to bring them under good government, but to leave them without government. Upon this notion they fell to running of brandy in particular, at that prodigious rate that some thousands of small casks of brandy was, in spite of all the vigilance of officers, secretly supposed to be put on shore out of the first Dutch fleet that came to Scotland after the Union; and when the officers made seizure of several parcels, the rabbles by violence rescued them again, as is already noted above.

But this practice was easily suppressed, for not the Government only, but all the fair merchants were concerned in it, since the running of goods on shore, without paying custom, is a known prejudice to the merchant, who entering his goods fairly, and paying large customs, is by these people under-fold, and the market forestalled; these things, therefore, began to meet with less encouragement; and having no countenance but from the meer rabble, the frequent losses they met with, by the activity of the officers of the Customs, by little and little, discouraged the adventurers, and trade began to run in its proper channel.

The difficulties of the Excise were of another kind; of which by themselves; and though the rules of collecting the Excise, and the methods of charging the subject, were very exact and regular, yet they were not without great obstructions in their work, as has been noted: The first by reason of a misunderstanding of the sense of the Article in the Union, settling the duty of Excise, which, having expressed the several measures not very exactly, admitted a double construction as to the quantity, what was to be esteemed the English barrel: The Commissioners had charged it one way, and the Brewers demanded it another, as follows.

The act expresses it thus.

VII. " That all the parts of the United Kingdom be, for ever, and after the
 " Union, liable to the same excises upon all exciseable liquors, excepting only
 " that the thirty-four gallons English to the barrel of beer or ale, amounting to
 " twelve gallons Scots, present measure, sold in Scotland by the brewer at nine
 " shillings and sixpence sterling, excluding all duties, and retailed, including du-
 " ties on the retailer's profit, at two-pence the Scots pint, or eighth part of the
 " Scots gallon, be not, after the Union, liable on account of the present excise
 " upon exciseable liquors in England, to any higher imposition than two shillings
 " sterling upon the aforesaid thirty-four gallons English measure, being twelve
 " gallons

“ gallons the present Scots measure, and that the excise settled in England on all
 “ other liquors, when the Union commences, take place throughout the whole
 “ United Kingdom.”

When the Excise Office came to charge the brewer upon this clause, they could reckon it no otherwise than as in England, by the gage of thirty-four gallons English to the barrel; and thus the brewer stood charged for some time.

But the brewers objected, and, sticking to the letter of the Article, demanded to pay but two shillings for twelve Scots gallons, whether it over-run the English thirty-four gallons or no.

This occasioned some small debate, but the prudence of the Commissioners prevented the clamour some people would willingly have raised upon it, and the justices of peace directing one-seventeenth in each thirty-four gallons to be allowed, the brewer for the present left it undetermined till the Parliament should settle it; and thus the brewers were made easy: it is to be observed, to the honour of the persons employed in the first settlement of the Excise in Scotland, that, considering the ignorance of the most part of their officers in the art of gauging, and in the new methods of taking the worts, and making a charge, considering the difficulty of satisfying and convincing the people, who were to pay the duty, that they had no wrong done them, they themselves being unable to examine the gaugers accounts, no duty was ever settled with so little noise, or with so few complaints, not one person, that ever I could hear of, having any appeal from the Commissioners sentences, or making any complaint of injustice done them; but the collection went on easy, was collected quietly, paid cheerfully, and visibly improved the revenue, though nothing was paid by the brewer more than they paid before.

Nor had it been possible to collect this duty legally, if it had not been so, for the commissioners of the Excise laboured under another difficulty which none of the other branches of the revenue were troubled with, *viz.* That the laws of collection being by the Union to be the same as in England, and the justices of the peace being by the act of Parliament, 12 Carol. II. in England made judges between the Queen and the subject, in cases of dispute, from the beginning of the Union till about August 1708, which was fifteen months, they were without the assistance of justices to determine those disputes.

There was, indeed, a nomination of justices by the Privy Council of Scotland, 15 August 1707, as will appear in its place, and for some few months they did meet and act; but this was a new settlement, and the gentlemen named were yet young in their business, little help could be had from them, and, which was still worse, before they had time to inform themselves their power died by the act of Parliament in England dissolving the Privy Council in Scotland. This act

past

past in the beginning of the first British Parliament, and by the ceasing of that power, from whence those justices derived, the power of the justices also ceased; and they were now to receive new commissions from the Lord Chancellor of Britain, as the justices in England also did; this was not finished till August 1708; so that, in all that time, the Commissioners of the Excise had no legal authority before whom they could convict any offender, or punish any breach of the law, or by whom any case could be determined.

Yet their business went on, and no complaint was heard against their management, no appeal made against them, no difficulties but what they worked through, to the general satisfaction.

The Excise as well as Customs in Scotland had been farmed out, or let in tack, as they call it, the Tacksmen or Farmers did their best, for their own interest; but several circumstances rendered their method of collecting the Excise unfit to be imitated, such as their officers, who were intirely ignorant of the art of gauging, taking the lengths of the worts by guess, and proving quantities chiefly by the oaths of the brewers and the like, which, joined with some other practices I care not to mention, exposed both the Collectors and the Brewers to several inconveniencies, and in general made the charge on the Brewer many ways unequal; a thing prejudicial not to the duty only, but to the fair dealer particularly, who always suffers by the frauds and connivances of others.

On this account when the first of May came, and the Union taking place, the new duty was to begin, the Government found themselves necessitated to send down a great many officers into Scotland, if possible, to put things into some order, and prepare the people for the new method of collection; what treatment these officers received in Scotland, how ill the people there used them, and how little they were able to do, will best appear by this, that the Government found themselves obliged by proclamation to let the duty go on for some time in the same methods, and collected by the same officers, till the new methods could be prepared.

Nor was this all, for though the new Commission was formed as soon as possible, for the Commissioners began to act on the ninth of June, yet they had the whole kingdom to regulate as to the collection, all their officers to instruct, both as to method and to act; the first relating to the accounts, and the last as to gauging; not an officer in the whole kingdom understanding the use of the gauging rod, as is noted already, nor the people knowing the meaning of it.

This makes the difficulty of settling the Excise in Scotland appear, and indeed whoever considers the manner of collection before the Union, as before, will wonder, how it was possible ever to bring the business into any order, for the people, being most intolerably averse, at first, to the new regulations, raised in-
numerable

numerable clamours at the officers that came from England, as imposing novelties on them, and confounding their business; and here, as well as in the Customs, the clamour against Englishmen being employed, was laid hold of, but the conduct of the Commissioners here likewise effectually answered that pretence, for no sooner had the officers, sent by the Commissioners in England, as above, done the work they came about, *viz.* in directing and instructing the officers in Scotland, but the greatest part of them were sent back again, and so few Englishmen remained in the Excise, that it is not worth naming.

The names of the Commissioners as settled, after some few alterations, were as follows:

Alexander Wetherburn, Esquire.

John Montgomery, Esquire.

John Whittham, Esquire.

David Ross, Esquire.

Alexander Forbes, Esquire.

Nor was the duty of Excise, as a revenue, without its discouragements, as well as the Customs; the article of private rights, reserved by the Union, had of course brought several exemptions upon them, some of which have proved very considerable hindrances to the duty.

The Commissioners, however, disputed with some of those people who claimed exemptions of duty, and the debate on those heads lay undetermined before the Barons of Exchequer at the writing these sheets.

Under all these discouragements, yet the collection went on, and the Brewers soon became satisfied with the manner of charging the Excise, *viz.* by gauging, as the most equal, indifferent, and undeniably certain, and as a method no man could be wronged by; which giving them all an equality with one another, was very much the advantage of the fair traders, who always suffer by the frauds of clandestine dealing.

Nay, this was evident by the Brewers themselves, who, differing with the city of Edinburgh assessors about the taxes paid to the city, endeavoured to have the city officers charge them by the gauging rod, as in the Excise, but could not obtain it.

I have insisted upon the difficulties of settling these things, to show the world the absolute necessity of placing the collection of the revenue in Scotland, distinct from that in England; and also as a thing needful, to show by what steps the several offices arrived to that order and exactness which they now appeared to be managed in.

I come now to the affair of the Equivalent.

The calculations and proportions between the nations, being the ground from whence it became payable to Scotland, I have gone through already, as distinctly

as I can, in the several observations on the minutes of the Treaty, first at London, and after in the Parliament of Scotland. We are now come to the payment of it.

The Parliament had determined, both how it should be disposed of, and who should dispose it, *viz.* That the Queen should name Commissioners to receive and issue out the said money according to the terms of the Union; this you have expressly in the fifteenth Article of the Union, as concluded at London, as follows: And it is agreed, That her Majesty be impowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain, for disposing the said sum of three hundred ninety-eight thousand eighty-five pounds, ten shillings, and all other monies which shall arise to Scotland, upon the agreements aforesaid, to the purposes before-mentioned: which Commissioners shall be impowered to call for, receive, and dispose of, the said monies in manner aforesaid, and to inspect the books of the several Collectors of the said revenues, and of all other duties from whence an equivalent may arise; and that the Collectors and Managers of the said revenues and duties be obliged to give to the said Commissioners subscribed authentick abbreviates of the produce of such revenues and duties arising in their respective districts: And that the said Commissioners shall have their office within the limits of Scotland, and shall, in such office, keep books containing accounts of the amount of the equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the subjects who shall desire the same.

The Queen, pursuant to this power, appointed Commissioners for the management of the equivalent; and the money, being raised by Parliament, lay ready in the Bank of England.

The Commissioners named by the Queen were twenty-five in number, as follows:

Sir Andrew Hume,
Mr. William Dalrymple of Glenmuir,
Sir Robert Sinclair of Stevenfon,
Sir Thomas Burnet of Leyes,
Sir John Areskin of Alva,
Sir John Swintoun of that Ilk,
Sir James Campbell of Aberuchil,
Sir James Smollet of Bonhil,
Sir Patrick Johnstoun,
Mr. John Hadden of Glenagis,
Mr. John Bruce of Kinrofs,
Mr. William Seton, younger, of Pitmedden,

Commissioners of the
Equivalent.

Mr.

Mr. John Clark, younger, of Penniecook,	}	Commissioners of the Equivalent.
Alexander Abercrombie of Glaffoch,		
Mungo Grahame of Gorthie,		
Mr. John Pringle of Haining,		
Daniel Campbell,		
Sir John Cope,	}	Merchants in London,
Jacob Reynardson,		
John Bridges,		
James Houblon,		
Sir Francis Grant,	}	These did not accept the business at the first.
Bailie of Jerviswood,		
Graham of Dowgalstoun,		
Douglafs of Kelhead,		

The four Merchants of London were named, because, as members of the Bank of England, they were required to be present upon the spot, in order to support the credit of the Bank, in case any body had scrupled their bills; and indeed there was occasion sufficient for their being there, as will appear presently.

It was now the beginning of July, and the money was not yet come away from London. It would be endless to record here the scandalous reflections spread about, of the delay of payment, and how the English, having secured the main point, would pay the money when they pleased, or perhaps never; and some ran it up to that height, as to say, that the English designed to cheat them of the money.

Again: another sort of people pretended the Union was broke, because the money was not paid by the first of May; and there was a discourse of some gentlemen, who came up to the Cross of Edinburgh, and protested, in the name of the whole Scots nation, That the conditions of the Treaty being not complied with, and the terms performed, the whole was void, and Scotland was again free, whenever an occasion offered to lay hold of that freedom; that some people were so weak to talk thus, and that a certain gentleman was foolish enough to make such a formal protestation, I have some reason to believe; but that D—— H—— was the man, I profess not to know, and believe that noble person to understand the nature of the Treaty, and the nature of protesting also, better than so.

Be it as it will, such protestation was of no use, neither could it have any signification, being made purely without ground, the Treaty having no where tied up the Government of England to have the money actually in Scotland by

such a day; nor was England by the Treaty under any obligation to a day of payment; but two things prescribed the payment, and a third clears it all most effectually.

1. That, by the custom of England, any payment contracted for *fine die* becomes a debt demander, or payable at demand; and so the day being not prefixed in the Articles, the money became presently due, *viz.* the first of May; but under no forfeiture on delay of days, much less a dissolution of Articles.

2. But if this nicety had been insisted on, then it is answered, that the money was actually paid by England, being delivered by the Treasury to a certain number of the Commissioners appointed for receiving the equivalent; and this either upon or before the first of May; and though it was not actually come down into Scotland, yet, if it was delivered in London to the proper persons appointed to receive it, the Government of England was fairly acquitted of the payment. And this is to be seen by the said Commissioners receipt in the Exchequer in England, when the money was paid.

3. But a third clause shewed all this to be an insignificant and a most ignorant pretence; for the equivalent was actually paid and made good to Scotland before the Treaty was concluded; and it was expressly stipulated so to be ordered in the fifteenth Article, in these words: "It is agreed, that Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England, in all particulars whatsoever, in manner following, *viz.* that before the Union of the said kingdoms, the sum of three hundred ninety-eight thousand and eighty-five pounds, ten shillings, be granted to her Majesty by the Parliament of England, for the uses after-mentioned, being the equivalent to be answered to Scotland for such parts of the said Customs and Excises upon all exciseable liquors, with which that kingdom is to be charged upon the Union, as will be applicable to the payment of the said debts of England, according to the proportions which the present Customs in Scotland, being thirty thousand pounds *per annum*, do bear to the Customs in England, computed at one million three hundred forty-one thousand five hundred and fifty-nine pounds *per annum*; and which the present Excises on exciseable liquors in Scotland, being thirty-three thousand and five hundred pounds *per annum*, do bear to the Excises on exciseable liquors in England, computed at nine hundred forty-seven thousand six hundred and two pounds *per annum*; which sum of three hundred ninety-eight thousand eighty-five pounds, ten shillings, shall be due and payable from the time of the Union."

It is evident from this Article, that the security demanded by Scotland, for the payment of this money, was, "That the Parliament of England should raise the sum agreed, and should grant it to her Majesty, for the uses in that fifteenth

" Article

“Article expressed;” that is, in short, That the Parliament should grant to her Majesty such a sum of money, and appropriate it to the payment of the equivalent. This really was payment, and was so accepted; and the money being granted to the Queen was nothing but as a deposit in a third hand, till the ratification of the Treaty should pass in Scotland, and be confirmed in England, or till the Union should take place, WHEN, AND AS SOON AS that was done, the money was actually the right, the proper goods of the Scots; and the Government of England could not have kept it back, no, though the Treaty had been afterwards dissolved or broken; so that the objection against the payment of the equivalent in time dies and falls to the ground in this, that it was actually paid by England before the Union began, and placed in such hands as a trust, to be at the demand of the Scots, as soon as the Union took place: “Due and payable from the time of the Union,” are the words of the Article. As soon, therefore, as the Union took place, the Treasury of England became debtor to Scotland for such a sum of money; but the Parliament of England, with whom the Treaty was made, were discharged of the payment as soon as ever the Act of Appropriation was passed in the House.

This, I think, is clear, and admits of no dispute; but it shows the weakness of those people, that promised themselves any thing from the delay of the money coming into Scotland. Nor did their error cease here; for, when the money came, they were not at all better pleased, but raised new clamours at the Union; and really went to that height in their reproaches, that it seemed as if they had yet latent expectations of raising a new tumult.

It was indeed something remarkable here, and not a few people took notice of it, that the very same people, who just before exclaimed at the English for not paying the money, and cried out they were cheated, and the Union broken, were the same who, when the money came, made as much noise on the other hand of being bought and sold, and that money being the price of their country.

The violence of this temper appearing so openly, I cannot be counted partial in giving a true account of it, since I could not be faithful to the matters of fact, if I omitted it.

On the day of August the money came to Edinburgh, in twelve waggons, guarded by a party of Scots dragoons, and was carried directly to the castle. If I omit to enter into the detail of the reproaches and railings at the poor innocent people that brought it; nay, at the very horses that drew the carriages; it is, because it was a folly below reproof, and rather deserves pity.

If I omit naming a known person, in no concealed station, who was for having the dragoons that guarded it hanged for bringing it in; and, being asked, What he would have the poor men do with it? answered, They should have.

have cut all them that brought it to pieces, and kept the money from coming into the country. If I omit naming this gentleman, it is in respect to his character, and in hopes he may live to be wiser, and to acknowledge his inconsiderate rashness.

The waggons, as is noted, were driven directly to the castle, and the money lodged there, to be issued in its course. The people, set on by proper engines, shewed their dissatisfaction at first, by rudely stoning the poor carters and drivers, and two or three were very much hurt by stones, as they came back with their horses from the castle.

But this was but the remains of the tumultuous temper we have been taking notice of before; and the poor ignorant people, acting only from outward appearances, without consideration, grew calm again of course. Nor among the most discontent persons could I ever find any, that, when the money upon the African stock came to be paid, would think the species unhallowed enough to refuse their share of it.

As soon as the money was arrived, the Commissioners for the equivalent began to sit, and immediately applied themselves to the distribution of it according to the terms of the Treaty; and having set apart a due proportion for the expence of the coinage, they went immediately to work with the African stock, and began to pay off,

Yet I must not omit a difficulty here, that had almost put the affair to a full stop for a while; and this was from the species of the money they had brought. The case was as follows.

The Bank of England had that year, upon an advance of a sum of money to the Government, received 1,200,000 *l.* or thereabouts, in Exchequer bills, which being made current by the credit, both of the Government in publick, and after by the Bank in particular, they presumed would pass in payment, as common paper credit usually did in London, without interest, being always payable at demand by the Bank in London; this they expected should go down without any difficulty in Scotland.

But the Bank seemed under some mistake as to the extent of their reputation, or at least as to the circumstances of Scotland, when they proposed the putting off these Exchequer bills there.

However, they ventured, and sending only 100,000 *l.* in ready money, in the waggons mentioned before; the other 298085 *l.* 10 *s.* was sent down in this paper credit or Exchequer bills.

This raised a new clamour in Scotland, and abundance of people ran away with it, that the English tricked them; that they had sent them paper instead of money; that the great argument formerly used to persuade Scotland to the Union,

Union, to take upon them a share of the burden of the English debts, and to accept of an equivalent, was the great advantage that should accrue to Scotland, by the circulating of so much ready money in the nation; and that now they were to be put off with bills payable 300 miles off, and which, if lost or mislaid, or by accident burnt, were irrecoverable.

The truth is, the Bank of England took a wrong step here; for, first, they ventured upon Scotland with their bills instead of money, without consulting either the temper or the circumstances of Scotland at that time.

Had they corresponded with the Bank of Scotland, and obtained of the said Bank to circulate their bills, either by their own credit or cash; had they established any running cash in Scotland for the circulation, where they should have been received and issued on occasion; they had come off better; or had the bills had running interest upon them, that those people who laid them up might have had an increase upon them as they lay by, there had been some reason to expect they might have passed.

But the Bank had ingrossed the interest paid on the bills by the Government, and then sent them naked into the world, to run purely on the credit of their fund, without any interest running upon them. This, and considering Scotland a place not yet of a great inland commerce, in which alone such bills are capable of being made current, made it very improbable, that their bills should pass in Scotland. This mistake the commissioners themselves saw, as soon as they came to Scotland, and therefore immediately sent away to England for 50000 *l.* sterling more in gold; nor had this been able to have carried them thorow the payment, had not the Commissioners very prudently taken all the Exchequer bills that any one brought them, and given bills of exchange for them, payable in London.

When the Commissioners found how it was, they saw no remedy but to declare, that though they had brought Exchequer bills down, in order to supply the deficiency of bullion, which was then scarce enough in England; yet that nobody should be obliged to take them without their consent, nor should any body be refused payment as they came in their order: and as a certain great person began with them, as some thought, by way of experiment, and having a demand for 4 or 5000 *l.* upon the African stock, refused to take any of the said bills, the Commissioners immediately ordered it all to be paid in specie.

This, and a constant currency of payment, began to raise them some reputation; and some who were friends to the Government, and saw the exigence of the present case, accepted of Exchequer bills for large sums: others would take half money, half bills: and others that came for their money before their turn came, yet had it offered them if they would take bills, still preserving this point sacred, that no-

body was refused his payment in course in money, if he insisted on it. Thus, with a great deal of difficulty, at last they worked thorow the payment of the African stock. The bills went all away to England so directly, that in six months time there was not one to be seen.

So the main end of the Bank, viz. the circulation of these bills in trade, as a paper credit, was quite lost, which, had the interest been running upon them, would have been easy and readily complied with.

However, it was at last, contrary to expectation, concluded; and the whole African stock being paid off, that company dissolved and died.

The next affair was the settlement of justice in Scotland: and this suffering some alteration, it is needful to give a true account of it, according to my title.

It had been stipulated by the eighteenth and nineteenth articles, “ That all
“ other laws, in use within the kingdom of Scotland, do, after the Union, and
“ notwithstanding thereof, remain in the same force as before (except such as are
“ contrary to, or inconsistent with, the terms of this treaty), but alterable by the
“ Parliament of Great Britain, with this difference betwixt the laws concerning
“ publick right, policy, and civil government, and those which concern private
“ right; that the laws which concern publick right, policy, and civil government,
“ may be made the same throughout the whole United Kingdom; but that no
“ alteration be made in laws which concern private right, except for evident
“ utility of the subjects within Scotland.

“ That the Court of Session, or College of Justice, do, after the Union, and
“ notwithstanding thereof, remain in all time coming within Scotland as it is
“ now constituted by the laws of that kingdom, and with the same authority and
“ privileges as before the Union; subject, nevertheless, to such regulations for
“ the better administration of justice as shall be made by the Parliament of Great
“ Britain; and that the Court of Justiciary do also, after the Union, and not-
“ withstanding thereof, remain in all time coming within Scotland as it is now
“ constituted by the laws of that kingdom, and with the same authority and
“ privileges as before the Union; subject, nevertheless, to such regulations as
“ shall be made by the Parliament of Great Britain, and without prejudice
“ of other rights of justiciary.”

These clauses preserved the ordinary process of law, in case of private right, in the same course and condition as before; but all pleas of the Crown, matters of dispute between the Queen and subject, relating to the revenue and trade, being to be the same as in England; for that reason, there were necessary alterations to be made in the methods, and even new models of proceedings to be formed, special to Scotland.

And

And first of the civil peace.

The several branches of the revenue, depending much upon the execution of petty justice, and particularly the Excise, in which the justices of peace are in most cases the judges between the brewer and the collector; in this case it was necessary to renew the model formerly used, and taken from England, viz. of justices, constables, head-boroughs, &c. and this not only for the deciding differences in the duties, but in forcible entries, executing warrants, apprehending offenders, and the like; in which cases constables and other officers are necessary, both to preserve the peace, to assist in searching houses, and in executing the respective warrants of the said justices of the peace.

This, I say, made it absolutely necessary to establish the same method of civil justice in Scotland as in England, viz. by justices of the peace, constables, &c. which at that time was not in use in the whole country.

It had indeed been formerly attempted in Scotland; and there were some acts of Parliament then in force, for the making justices of the peace in Scotland as in England, particularly the 12th Act of the first Parliament Carol. II. anno 1661, and again by the 38th Act of the same Parliament. And these Acts are recited again in the proclamation for erecting new justices at this time; which proclamation, leaving out the names of the persons as useless and tedious, I have annexed in the Appendix N^o (F 3).

Upon the Revolution, this method of governing by justices, however useful in its kind, yet, as having been negligently or arbitrarily made use of in the former times, was laid aside, and the Government of Scotland lay, as it had usually done, too much in the absolute disposition of the heretable magistrates, such as sheriffs of counties, stewards of stewartries, and such right as the superiorities and usages of places gave to the lairds; a constitution not at all calculated for the liberty of Scotland, or the increase of the happiness of the people.

Upon the settling the Customs and Excise as above, it became, I say, necessary to restore the former model of petty justice, as, *per* the proclamation before-named, was done at this time; and accordingly justices of the peace and constables were erected all over Scotland; but this received another interruption, as a consequence of the Union, which put a stop to all the civil administration for a time, as follows.

By the nineteenth Article of the Union, the affair of the Privy Council in Scotland was left thus:

“ And that, after the Union, the Queen’s Majesty, and her Royal Successors, may continue a Privy Council in Scotland, for preserving of
“ publick peace and order, until the Parliament of Great Britain shall

“ think fit to alter it, or establish any other effectual method for that
“ end.”

As soon as the Parliament of Great Britain met, and began to enquire into the matter, they found the very nature of a Privy Council in Scotland, but especially the manner of their Privy Councils, so inconsistent with the Treaty of Union, and, above all, with the liberty of the subject, that they effectually dissolved it, and voted that there should be but one Privy Council in Britain.

I know this Act was opposed by several sorts of people; and complaint was made, after its dissolution, that Scotland was left without any form of government. Some others complained from another principle, of which I need say nothing here.

The ministers of state also opposed it a little; but no further than as they thought things were not ripe in Scotland for so sudden a dissolution of the face of power among them, and therefore would have had it continued for some certain limited time only, and that with such limitations of authority as might be regulated by Parliament; but it was thought both burdensome and dangerous; and indeed the Council in Scotland, acting arbitrarily, had given the lovers of liberty such an aversion to them, that they could not hear of it; and so, after some struggle, the Council was dissolved by Act of Parliament.

This is mentioned here because of the interruption given by the accident of this dissolution to the course of petty justice, as aforesaid; for now all the commissions of the peace ceased, being granted by the said Privy Council; and by the new establishment of the Council, which was now to be called the Council of Great Britain, and which was to have the same powers, and no other, which the Council of England had before, the commissions of the peace could no more be given by the Council, but by the Lord Chancellor. The commissions therefore terminated, and the new method of administration met with an interruption of several months, but was restored again by a general commission of the peace, under the Great Seal of Britain, nominating justices of the peace through all Scotland, conform to the method of England. This commission bears date the 13th day of May, anno 1708; and on this foot the whole island now stands in one form of administration as to petty justice, and therefore this Act is called, “ An Act for rendering the Union more compleat.” Which Act, for the more particular understanding this affair, I have added in the Appendix, N^o (II. 3.). But here it is to be observed, that though this Act gives power to all the justices of the peace in Scotland, to “ do, use, and exercise, over all persons within
“ their several bounds, whatever doth appertain to the office and trust of a justice
“ of peace, by virtue of the laws in England before the Union, in relation to or
“ for the preservation of the publick peace;” yet it is provided, “ That in all
6. “ the

“ the sessions of the peace they are prescribed to the methods of trial and judgement according to the laws of Scotland.”

This I note here, because some would have suggested, that this erecting of courts of petty justice, for such the several sessions of the justices properly are in Scotland, and giving them authorities from the laws and usage of England, was an invasion of the nineteenth Article of the Union; but it was clear otherwise: for though in the publick peace their methods were the same as in England, yet it is observable,

1. That very clause was enacted in Scotland in the several Acts of Parliament of 1661, recited in the commission, and never rescinded in Scotland; and by the Union those Acts are of course confirmed, not being any way inconsistent with, or contradicting the Treaty.
2. Had it not been so, the thing itself had been no way injurious to the Treaty of Union; the methods of trial, judgement, and execution, being as above prescribed by the laws of Scotland, and to continue in the same form as before.

And this will more particularly appear in reading the very nature and form of the commissions of the peace granted by the Queen to the respective counties or shires in Scotland, one of which, viz. for the shire of Edinburgh. For the more especial understanding this matter, I have annexed in the Appendix, part II. N^o (G. 3.).

I might have entered here upon the differences of proceedings in the several new established courts of justice, as of the Exchequer and Admiralty, and the general and petty sessions of the justices; but these things seem not the proper subject of a history, so I wave them here, the latter part also being very well performed to my hand, I mean, relating to the proceedings and office of a justice of the peace in Scotland, by the ingenious hand of Mr. William Forbes, Advocate in Scotland, to which I refer the reader.

There was an alteration in matters of justiciary, as it is called in Scotland, that is, of criminal process; for whereas this was wholly left to a certain court, consisting of five Judges, who were therefore called the Lords of the Justiciary, and that their court was holden only at Edinburgh, it was considered, that this was too great an interruption of justice, and oftentimes occasioned the neglect of prosecution, as well as made that prosecution both difficult and chargeable to the subject, by which means thefts, violences, and sometimes murders, escaped due punishment, the Parliament determined, by the same Act of Parliament as before, that the Lords of the Justiciary should divide the kingdom into circuits, and that these circuits should be twice a year; that thus justice might, as in

England, be carried home to every man's door, and all the former inconveniencies might be for the future avoided.

The manner, methods, and other circumstances, such as time, place, &c. since they were nothing at all altered, the act of Parliament referring wholly to a former law, made in the third session of the second Parliament of King Charles II. came not under the head of Alterations which I am now upon, and consequently need not be inserted.

I might bring the alterations of elections of members for Parliament into this head, as well of the Lords as Commons; but it requires nothing, but to repeat the very articles of the Union again; and I think it is so expressly set down there, that it needs no comment at all, being nothing but meer matter of form; but as there required some addition to the manner of the returning of writs, and of the managing elections, you will find them in the same act of Parliament last quoted, and printed in the Appendix as above, all that matter being fully determined in this act.

The matter of the Exchequer Court now erected needs no other description than this, that it is erected in the same form, and proceeds by the same method, as in England, having Barons, a Remembrancer, Treasurer, and all the respective Clerks and offices as in England.

The first Barons were as follows:

The Earl of Seafield formerly Lord Chancellor of Scotland

Lord Chief Baron,

Mr. Baron Clark,

Mr. Baron Maitland,

Mr. Baron Smith,

Mr. Baron Scroop.

The Admiralty Court in Scotland remained; and the Earl of Weemyss, who was before Lord Admiral in Scotland, was now made Vice-Admiral, by Commission, under the Prince of Denmark, Lord High Admiral of Britain, and was, at the same time, nominated a member of the Prince's Council in England.

The inferior courts of judicature in the Admiralty remained as before, suffering no alteration in form, save that what related to the publick revenue, or the claims of the Sovereign, began to be modelled as in England, agreeable to the 18th and 19th Articles of the Union.

Thus the law in Scotland remained intire, the process in common causes being the same, and the alterations being confined, as *per* the Treaty, to the established methods of Scotland.

I come now to the coin; and though this has been a thing of great consequence, yet it requires little more to be said to it, than just that it suffered a
general

general revolution; and that all the former coins of Scotland, as well as the foreign species of money which went current in Scotland, the English money excepted, was called in and recoin'd, the English money being only to pass current.

But there was a difficulty which, I have noted in the Minutes, gave them some trouble, *viz.* that the English money, which went for one penny in every shilling advance, should be reduced to a par, that the loss should be made good by the Government, and yet the English not bring in great quantities to Scotland, to be offered to the Mint at one penny *per* shilling, and immediately received again with an allowance of the difference: to prevent this, that contrivance was found out, to bring in all the English money at one certain day, and receive it out again with an allowance for the difference; this occasioned the proclamation for the alteration, that all the money should be paid in on a short day, and immediately returned with notes for the difference; this proclamation, as it expresses the whole scheme, I have added in the Appendix, N^o. I.; which, though it be a long proclamation, yet, as it may be a precedent in like cases, I have set down for general information.

The several proclamations for the gradual calling in the old money are too many to note here; it may suffice to hint, that, as the foreign money being brought in, which amounted to above 150,000 pounds sterling, and this going into the Mint, the new coin began to circulate very speedily; and, at the writing these sheets, the whole nation was full of new money.

The several denominations of money before the Union in Scotland, I mean not of old obsolete coins, but such as were now current, were as follows:

The bodle, or turner, six of which goes to a penny.

The half-penny, or baubee, two to a penny.

The Irish half-penny and French doits had passed, but were cried down by act of Council.

} These were all of copper.

The Foreign Silver Coin was such as,

The ducatoon of several coins, which passed at 6*s.* 2*d.* they had passed at 5*s.* 10*d.* but were raised by an act of Council to 6*s.* 2*d.* which caused great quantities to be brought in.

The dollar, of several coins, went formerly at 4*s.* 8*d.* were raised up to 4*s.* 10*d.* each; and four sorts, *viz.* the Bank dollar, the Wild Harte, the Castle, and the Wild Man dollars, were, by the same act of Council, raised to crowns.

The French crown had formerly passed for 56*d.* but was also raised to 58*d.*

The French quarter pieces, which passed for 3*d.* each.

English

English Coin.

Broad gold of England generally passed, *Jacobus* at 27*s.* and *Carolus* at 25*s.*

The Guinea gold passed at the Revolution at 22*s.* each, but were raised without any publick authority or rule, only by the circumstances of trade, to 23*s.* 8*d.* This was the reason why, when the coin was called in, and the price of this reduced, the Government made no allowance on the gold.

The English silver coin passed by act of Council at one penny *per* shilling advance.

Domestick Coin.

Old Crowns of King James's and Queen Mary's, which passed for Crowns, but very few of them were to be seen.

Old Mark pieces, called old fourteens.

New Mark pieces, called also fourteens, the last coined in Cha. I. and Cha. II. with doubles of the last, called two Marks, after raised to half dollars, and four Marks, raised also in proportion, with half pieces at 7*d.* and quarters at 3*d.* half-penny.

New milled money of King William's coin of several values,

As Crowns and Half-crowns.

Forty-pence, twenty-pence, ten-pence, and five-pence pieces.

There was, at this time, no Scots gold coin current, or to be seen, except a few preserved for antiquity.

There were several species of Scots money that had been current, and of which several remainders were to be found; but the quantities were so small, that I do not place them among the current coin.

It is enough to say, that all sorts were called in by the Treaty; and no money made current by the Government, but the English or British coin.

I need not record the days and times, when and how long every particular species were permitted to pass; it is enough to say, the prudence of the Government so ordered it, that the people felt no miss, or want of the current money; and the thing was done so gradually, that the new money was circulating, before the old was called in.

This was done thus; first, the English money was reduced, as has been observed, by proclamation; then the foreign money was brought in; and this being a much greater quantity than was expected, the Mint immediately fell to work with it; and this, joined to the money brought down for the equivalent, furnished above 200,000*l.* in silver money, besides what English money was in the country before;

before; so that the new money was dispersed in every corner of the nation insensibly, and the old went off gradually, without any interruption to business; and at the writing these sheets, the last, *viz.* the Scots milled money, was yet passing, but appointed to come into the mint by a certain day; there were several proclamations for this, and several days appointed; I have added only one in the Appendix, to let the reader into the method settled for this purpose, which terminated the currency of the Scots money to the 25th of February 1707; but even that time was lengthened afterwards, and the Scots money suffered to pass again till the latter end of September, 1708; and thus by degrees the English coin prevailed, and is now the only current coin of the nation. This Proclamation is marked in the Appendix, N^o. (K 3.)

I cannot say so much for the new regulations of weights and measures, in which, though appointed by the Union to be made the same, little progress could be made at the writing of these accounts, save that the public business of the Custom-House was all settled by the weights and measures of England; but custom had so inured the people to the former weights and measures, especially the weights for their retailing goods, and the measures for corn, that it was impossible to bring the change about so soon; time alone can bring it to the issue designed.

Nor is the reducing the measures to an uniform standard so absolutely necessary, as that we should think the Union defective for want of it; since the measures, especially that which we call dry measure, as of corn and fruit, is at this time various almost all over England; as particularly in the North, the boll remains a received measure in Northumberland and Cumberland; in the West, as in Cornwall and Devonshire, the bushel is almost two bushels of the common measure; even the Winchester bushel, which is the standard of measure in England, varies, and in some places it contains eight gallons, in others nine gallons, in some places they have one to the score thrown into the measure, in other places not. Again, in liquid measure we have the quart of two kinds for several liquors, as the wine quart and the Winchester quart, we have the pottle and gallon for dry measure, the pint and thence up to the gallon of liquid measure; in coals we have what is called the chalders at Newcastle, and the chalders at London, and the differing chalders in several differing parts; at London the chalders is thirty-six bushels, at Sandwich thirty-two, at Lym forty, at Newcastle seventy bushels; so, though the measures of corn and liquors should have their variations in Scotland, according to the old customs and usage of towns, counties, and manners, yet this does not at all render the Union incomplete; since the reducing the weights and measures to an equal standard in the public accounts, such as in the Customs, tolls, excises, public receipts and payments, and the like, is as effectual in equality

as is needful; and indeed is as much as was intended by the Union, no act of Parliament, law, or statute, that can be made, being able to oblige the country people in every place to leave off their wonted calculations and denominations of things, which are frequently made upon the foot of their ancient customs; for example, as before, the valuation of lands, tenor of leases, the rents, the entails, rent-charges, life-rents, and payments for or out of land revenue, are all reckoned in Scotland by the chalder, boll, firlot, and lippy, and cannot be altered; even marriage settlements and entails are entered in this manner; and it would run Scotland into all manner of confusion, to oblige them at once to leave off all the terms, by which their lands are known, valued, mortgaged, entailed, charged or conveyed.

I think we have thus gently touched at all the alterations of moment which were made in the laws, trade, custom, and constitution of Scotland, according to my title; but lest it may be thought, that these alterations lie too much dispersed up and down this book, in the relation of particular cases, I shall endeavour to sum them up in the following abridgment.

First, as to the Constitution, though last named, I conceive it suffered some alteration, though not, as was alledged by some, an intire dissolution; it was not dissolved, because the Government by King and Parliament continued the same, *viz.* a limited monarchy; it received no diminution, but an addition of privileges and liberties; and had the Scots thought fit to have gone a little further, and made provision for transferring their superiorities, they might have at last come to an intire enjoyment of that same liberty that England is now so happy in; however, though the Constitution received no dissolution, yet it is acknowledged, that it suffered alterations in several articles, of which these are the principal.

1. That though the monarchy is the same, yet that they become incorporated into one monarchy with their neighbour kingdom, subjected for ever to the same Sovereign, and engaged in war, peace, alliances, and succession with them; so that they can no more act in their separate capacity, in any thing relating to Government or Constitution.

2. They suffer alterations in their representative, and these consist in two branches; first, That the number of their representative is reduced to forty-five. Secondly, That the elections pass under a new regulation, and are managed by a different method. And, thirdly, That they sit not any more in Parliament by themselves, but in conjunction with the English Parliament, representing the several counties and corporations, as Members of the United kingdom of Great Britain.

3. The

3. The hereditary branch of Parliament, I mean the Peers, suffer also an alteration, being changed from a full appearance in Parliament to a representative appearance, and that representative limited to the number of sixteen.

4. Their regal administration suffers an alteration; the Sovereign, who before executed the Civil Power in a separate capacity, being now obliged to change the face of that administration into an united management, governing now by one Parliament, one Privy Council, one High Admiral, one Chancery, one Treasury; and, in short, one general œconomy of Government; thus the several distinct offices of Admiral, Chancellor, Treasurer, Secretaries of State, and President of Privy Council, sunk in either kingdom, and new commissions were issued; as one Privy Council, and one President, under the title of Lord President of the Privy Council of Britain, Lord High Chancellor of Britain, Lord High Treasurer of Britain, Lord High Admiral of Britain, and the like; and, which I close all with, the Queen herself lays down her separate titles, and is now no more Queen of England, Scotland, &c. but Queen of Great Britain, and is called in missives, and in foreign accounts, her Britannick Majesty; her troops are no more English and Scots, but British forces; and the arms of the island are anew incorporated and quartered together, as appears at large in the foregoing sheets.

This, I think, is the sum of the principal alterations in the Constitution of Scotland by the Union; in all which, except that of the Parliament, the Commons being reduced in number, and the Lords by representative; I say, in all the rest, England suffered the same alterations as Scotland, such as dissolving her Parliament, her name as a kingdom, her Council, great offices, and title of her Sovereign; and all things began *de novo* in both kingdoms, under the single denomination of Britain and British.

The second head of alteration is that of the Laws; and this is so particularly entered into in the beginning of this very part of my work, that I need be but very short.

1. The Laws of Government continue as the Government continues established in the claim of right, I mean as to the limitations of government and obedience; nor has Scotland suffered any loss, but rather been a manifest gainer in this point by the Union; the Privy Council tyranny being abolished, who had arrived to that height in Scotland, as to give their acts almost of an equal authority to acts of Parliament; a power wholly disclaimed by the Privy Council in England, to whose powers and authorities the present Council of Britain is by Parliament expressly limited and confined.

2. The laws of private right have suffered no alteration, other than as private right may be intermixed with that of the Crown; but all the laws of publick right, such as relate to Customs and Excises, have suffered the alterations mentioned in the Union, a Court of Exchequer being established in Scotland for that purpose; and this was necessary, as has been noted, because of the alterations necessary in the revenue, and in the respective methods of ascertaining and collecting the Customs, Excises, &c. due to the Crown; and in this clause may be included the several laws for penalties, fines, forfeitures, and confiscations, upon the particular trespasses of the laws relating to Customs and Excise, which were wholly new.

3. The governing laws, relating to the Civil Peace, have suffered some alteration, as to what was just before the Union, by the erecting justices of the peace; but this seems a restoring what was before, rather than an alteration of what was, since it was nothing but what was actually put in practice twice before, and what there were laws then in being to justify their return. So all the alterations, that seem to be made now, were; first, only that the justices of peace formerly had their commission from the Privy Council in Scotland, but now received it from the Lord Chancellor of Britain; and, secondly, that the justices of peace had some new powers vested in them since the Union, which they had not before, such as determining disputes in the duty of Excise, giving power of distress for payment, warrants of forcible entries in case of concealments of Customs, and the like.

All the rest of the Laws of Scotland remained the same *per* the Union; the circuits of the Lords of the Justiciary I take also to be no innovation at all, as what had formerly been practised.

I come now to alterations of Trade; and these can receive but a very short description here, because the greatest alterations which happened in Trade could not follow the Union so close at the heels as the time of the writing these sheets require to relate it; but such as were immediately the consequence of the Union, were such as these,

1. A general prohibition and stop of commerce with France, which, till now, Scotland publickly carried on.

2. A prohibition of all exports and imports, as in England; and, by virtue of that clause, a particular prohibition of the exportation of wool, which was, till then, publickly allowed in Scotland, and which, though people seemed at first very uneasy at, yet was, without doubt, very much for the publick advantage of Scotland, whose manufactures were thereby quite sunk as to exportation; this article was attended with penalties and forfeitures particular, and such as were not practised in Scotland, and for which

which the laws of Excise and Customs in England were introduced, and the trials on which were brought on, either before the justices of peace, or Court of Exchequer, as above.

3. Whereas Scotland had, before this, prohibited all the English woollen manufactures, under severe penalties, and England, on the other hand, had excluded the Scots from trading with Scots ships to their Colonies in America, directly from Scotland, and had confiscated even their own English ships trading to the said Colonies from England, if navigated or manned with above one third Scots seamen, had laid tolls and heavy imposts upon cattle and linen imported into England from Scotland, and had prohibited the exportation of corn from England to Scotland, though the occasion of it might be never so great, but on the same conditions, and under the same restrictions, as to other countries; now, by the Union, all these prohibitions, restraints, tolls, imposts, and exclusions, on either hand, were taken off; the English growth and manufactures, formerly prohibited, came immediately, free of all interruptions, into Scotland; all the tolls and imposts upon Scots cattle, linen, or other goods in England, were taken off; all the ports of England, whether in Europe or America, were open to Scots ships, without any imposts or restraint; Scots sailors in English bottoms were immediately free; and ships from the English Colonies might sail to, and unlade free in Scotland, without any obstruction.

These I call alterations in the laws of trade; besides which, there were some particular alterations which relate to the drawbacks, bounties, and allowances on the exportation, and for encouragement of the exportation of fish, corn, pork, &c. of which I need say nothing, having been very particular already in the relation of the debates upon those heads in Parliament.

The consequences of these things upon trade are at present few, but will necessarily be far greater hereafter; the first visible consequence was the rise and fall of several kinds of merchandizes, as the new alterations, prohibitions, or importations of them happened, differing from what they were before.

As for example: wines, brandy, and all kinds of goods of the growth of France, must of course rise in their value, the further import being prohibited; and this would have enriched a great many families in Scotland, who had quantities of these goods on their hands, had not the difficulty of enforcing these prohibitions at first laid trade open to clandestine importations, by which the fair trader was, as in such cases always happens, a very great sufferer.

Secondly, all the goods of the growth of the English Colonies, or which were to be had from England, being now imported directly to Scotland, began to come

as the return of the Scots manufactures, several ships being laden from Scotland to Virginia and Barbadoes, the very first year after the Union.

Another consequence of this Union in trade was the letting fall almost all the woollen manufactures which had been erected in Scotland, and where they began to come to some perfection in making broad cloth, druggets, and stuffs of all sorts; but, upon the opening the English trade, they were immediately so thronged with English goods of the same sorts so much cheaper, that it appeared those things would die of course.

Though, indeed, this seemed to be some blow to their trade, and particularly to the employment of their poor; yet, at the same time, the duties upon linen from Scotland being taken off in England made so great a demand for Scots linen more than usual, that it seemed the poor could want no employment; and several kinds of linen being set to work by Englishmen, which never before were made, or at least for exportation in Scotland, such as sail-cloths, canvas, damask, &c. it is thought, the employment of the poor was not lessened by this alteration.

On the other hand, the lower and coarser manufactures in Scotland, which were made of their own wool, seemed to increase, and not only found a larger vent in Scotland, but were bought up by the English merchants, who brought other stuffs thither, and sold in England; and these manufactures are not unlikely to rise to a considerable height, such as Stirling serges, in England called shalloons, Muffelburgh stuffs, and the like; and we find in England some proposals from the African Company, for the making Guinea stuffs there, which perhaps may in time come to be very considerable.

I might enter here into the schemes and projects, which have made much noise in the world, for improvement of fishing in Scotland, and of navigation and building ships in Scotland; but as these things have yet made no alterations in the trade, and are but in embryo at the writing these sheets, I cannot mingle them here as matter of history, but have touched them more at large in the preface.

It remains only to speak of the alterations of the customs; and this would have required a long table of the several duties and impost formerly paid in Scotland upon the export and import of merchandizes; but, having already given an account, that the whole customs are settled upon the English foot, and the duties of all kinds being too large to insert here, and already printed in the book of rates, re-printed in Scotland, it would be a vain labour to recite the particulars; and as to the difference between the duties on the English foot and the duties as paid before, it required the very same recital of particulars, the length of which would be intolerable; and for this reason, though I have referred to some schemes said to be in the second part of this Appendix, and which I received from the Custom-house in Scotland, yet when I came to find,

upon examination, that the Tacksmen of the Customs in Scotland usually compounded with the Merchants, and reduced the said Customs to what sum they pleased, I chose to omit a scheme, which, when put down, would give the reader no certain guess at the thing, and consequently signify nothing.

If any man should enquire, whether, upon the whole of these alterations in trade, Scotland is gainer or loser, I must acknowledge, it is a difficult point to resolve at so small a distance from the finishing the Union; but, as to the profit of the trade between Scotland and England in particular, as it appears at the writing these sheets, I shall leave the impartial observer to guess by these two particulars.

1. That about seventeen ships from the several ports of Scotland are already fitted out, and sent away to the English Colonies, whose loading is certainly the product of the ground, or labour of the poor, and whose return must be in sugar, tobacco, cotton, indico, &c. and money.

2. That above 170,000 bolls of corn of sundry sorts have already been shipped off from Scotland for England, besides a very great quantity bought up by England, and shipped directly for Portugal; both these articles are additions to the trade of Scotland, and both within little more than a year immediately succeeding the Union of the island. What further increase of commerce may accrue to Scotland, when these bloody wars shall end, and when peace shall be restored to Europe, I shall not pretend to examine; but there seems to be no question, but the trade of Scotland stands fair for very great improvements.

A P P E N D I X.

P A R T II.

N^o A x.

Anent Prayer for the Parliament, anent the UNION.

At Edinburgh, the fourteenth day of October, one thousand seven hundred and six years.

THE Commission of the General Assembly taking to their most serious consideration the great and weighty affairs now in agitation, specially the Treaty betwixt the two kingdoms; and how much these call to all to be earnest with God in sincere and fervent supplications for his direction and assistance to the high Court of Parliament, and all others concerned, to bring them to a happy issue, for his own glory, and the good of this Church and Kingdom: do therefore resolve and declare, that, in the first place, they for themselves, and for all that shall be pleased to join with them, will keep and observe Friday next, the 18th instant, at ten o'clock in this place, for a day of serious prayer and supplication to God, for his divine presence and assistance for the end foresaid; and, in the next place, do most earnestly recommend to all the Lord's ministers and people, that they also make application to God upon all proper occasions for the said ends and blessings; and that this Act be forthwith sent and transmitted to all Presbyteries for their concurrence by themselves, and by stirring up their people to the duty above recommended.

And on the 22d of the same month, this affair being moved again, the following Act of the Commission was made, as *per* the History, fol. 27. of the Treaty in Scotland.

Act

Act of the Commission of the General Assembly, cocerning solemn
Prayer and Humiliation.

At Edinburgh, the 22d of October, 1706.

THE Commission of the General Assembly of this national Church, having under their most serious consideration, that the great and weighty affair of a Treaty of Union between the two Nations is now laid before the Parliament; and how much the result of their determinations, with respect to the same, may prove of the highest consequence, both to this Church and Nation, in all their interests civil and religious, and that both to the present and succeeding generations; considering likewise, that the abounding and continued increase of impiety, popery, and prophaneness, through the land, the abuse of the privileges and mercies we have enjoyed, and hitherto, through the infinite goodness and long-suffering patience of God, do still enjoy; our unthankfulness for, and unfruitfulness under, the Gospel; our formality, decay of zeal, and slackness in promoting, according to our stations, the much-called for work of sincere, personal, and national reformation; may justly provoke the righteous and holy God to remove our blessings, to smite us in his hot displeasure, and for our sins to leave our rulers in this vastly important and difficult exigence, wherein there is so much need of clear and unprejudicated light, and of harmony, and oneness in the Lord: they have therefore judged it incumbent upon them to excite themselves, and all the people of God in the land, to much seriousness, diligence, and continued fervour, in applying to the Throne of Grace, upon so great and momentous affairs: and they do hereby most seriously and earnestly recommend to all the Presbyteries within this national Church, to appoint, set apart, and observe a day for solemn publick prayer, fasting, and humiliation, in all the Churches within their respective bounds as soon as possible; for which end, the Moderators of the several Presbyteries are to call them *pro re nata*, as soon as this comes to their hand; and farther, that Presbyteries continue to keep among themselves, and ministers with their sessions, dyets, for persisting instant in prayer to God, and for preserving upon their own spirits, and of all the Lord's people, a due concern about their proper duty, with respect unto the Church of Christ, and the great affairs now in agitation.

And the Commission doth most earnestly beseech and obtest in the bowels of our Lord Jesus Christ, all their brethren of the Ministry, and all the Lord's people, that they stir up themselves, and one another, to humble, sincere, and penitent confessions of their own sins, and the sins of the land, and to unfeigned
resolutions

resolutions to amendment, with active and zealous endeavours after thorow reformation respectively in their places, together also with ardent supplications to the Father of Mercies in behalf of the whole Church of Christ over the world, and particularly of the Church in this land, that he may be pleased to take away all iniquity, to turn our hearts unto him, to return unto us, and abide with us in mercy, and graciously to preserve, establish, and perfect, what he has wrought for us; that our most gracious Queen may be blessed and preserved in her person, and guided of God in her Government and Councils; and that there may be a due thankful acknowledgement of the great and wonderful things God hath done, in giving such success to the forces of her Majesty, and these of her Allies, against the great troubler of the peace of Europe, and persecutor of the Church and people of God, and that God may continue his kindness in prospering her Majesty's, and these of her Allies' forces, both by sea and land, against the common enemy; and that all the consultations and determinations of the Estates of Parliament, especially with respect to an Union with England, may be influenced and directed by divine wisdom and conduct in the fear of the Lord, to his glory, the good of religion, and this national Church, established by law in doctrine, worship, discipline, and government, and the well-fare, comfort, and satisfaction of the people of this nation, and the peace and prosperity of both kingdoms, that iniquity may stop its mouth, that all sinful contention and discord may cease; and that truth, righteousness, and peace, may flourish and be perpetuated in this Church and land: and it is ordained, that these presents be read in the Paroch Churches. This Act being voted, was unanimously approved by the said Commission.

Extracted by me,

JO. DUNDAS, Cls. Eccl.

N^o B x.

To his grace the Duke of Queensberry, her Majesty's High Commissioner, and to the right honourable the Estates of Parliament.

The humble Address and Petition of the Commission of the General Assembly of the Church of SCOTLAND,

HUMBLY SHEWETH,

THAT where we are called by our great Lord and Master, and entrusted by the late General Assembly of this Church, to advert to the interest and concerns of this Church on all occasions that may offer, for promoting of its
good

good and advantage, and the preventing of any hurt or prejudice it may suffer : and whereas, by the late Act of Parliament for a Treaty with England, for an Union of both kingdoms, it is provided, that the Commissioners for that Treaty should not treat of, or concerning, any alteration of the worship, discipline, and government, of the Church of this kingdom, as now by law established ; likeas her Majesty, in her gracious letter to the Parliament, hath been pleased, on the present occasion, to renew the assurances her Majesty formerly gave of her resolution to maintain the government of the Church as by law established ; therefore, and in regard there can be nothing more important to the glory of God, and to the perpetual peace and happiness of this Kingdom, nor agreeable to her Majesty's most gracious pleasure, nor more becoming the wisdom and faithfulness of this high and honourable Court of Parliament, we do most humbly and earnestly supplicate and beseech your Grace and Lordships, that you may be pleased to establish and confirm the true Protestant Religion, and all our sacred and religious concerns, in the most effectual manner, for their unalterable security to the people of this land, and all succeeding generations ; and especially, that her Majesty, with advice and consent of the Estates of Parliament, would be pleased to ratify and confirm the fifth Act of the first Parliament of King William and Queen Mary, intituled, " Act ratifying the Confession of Faith, and Settlement of the Presbyterian Church Government," and the other Acts of Parliament relating thereto, in prosecution of the declaration of the Estates of this kingdom, containing the Claim of Right, of the date the 11th of April, 1689, expressly providing and declaring, that the foresaid true Protestant Religion, contained in the above-mentioned Confession of Faith, with the purity of worship presently in use in this Church, and the Presbyterian Church government and discipline, that is to say, the government of the Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, which we are persuaded are agreeable to the word of God, and founded thereon, and which are established by the foresaid Acts of Parliament, pursuant to the Claim of Right, shall remain and continue unalterably ; and that the said Presbyterian government shall be the only government of the Church within this kingdom ; and that this provision shall be held and observed in all time coming as a fundamental article and essential condition of any Treaty or Union that shall be concluded betwixt the two kingdoms ; and that it be further settled with all the security that your Grace and the Estates of Parliament shall judge to be sufficient.

And your petitioners do and shall ever pray, that God, only wise, may guide your Grace and the Estates of Parliament, not only to the full and effectual establishment of our foresaid Religion and Church government, and the concerns thereof ; but likewise, in this whole great and weighty affair of the depending

Treaty, that the result and issue thereof may be the glory of God, the good and advantage of the people of this nation, in all things, both religious and civil, and for continuing of peace and amity in this whole island; and preserving, under the Divine Protection, the Protestant interest at home and abroad, against all the contrivances of its restless enemies.

Signed in presence, in name, and at the appointment, of the Commission of the General Assembly, by, *sic subscribitur*,

WILL. WISHEART, Moderator.

N^o C x.

Proclamation against Tumults and Rabbles.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith: to our Lyon king at arms, and his brethren heralds, macers of our Privy Council, pursuivants, messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as, notwithstanding that the raising of tumults be a most dangerous, pernicious, and unboundable practice, contrary to the very being and constitution of government, and destructive of the chief ends thereof, the safety and security of men's lives and fortunes; and that, by several acts of Parliament, such as Ja. I^{ld}, par. 14. cap. 77. and Jac. IVth, par. 3^d, cap. 34. it is statute, that there be no commotion, nor rising of commons in burrows, in hindering of the common law; and that if any does in the contrary, and knowledge or tent may be gotten thereof, their goods be confiscate to the King, and their lives be at the King's will; as also, by the Act of Parliament Ja. VIth, par. 18. cap. 11. it is statute, that no person within burgh take upon hand, under whatsoever pretext, to convocate, without the knowledge and licence of the magistrates, under the pain to be punished in their body and goods with all rigour; as likewise, that the hail inhabitants of the said burgh readily assist and concur with the magistrates, for settling and punishing the said tumults, under the pain of being fosterers and maintainers thereof. Likeas, by the Act of Parliament, Ja. VIth, par. 17. cap. 4. it is statute, that whatsoever person invades or pursues any of his Highness's Session, Secret Council, or any of his Highness's officers; it being verified and tried, that they were pursued and invaded for doing of his Highness's service, shall be punished to the death. There hath happened, within these few days, and particularly on the twenty-third instant, and near to the Parliament-house, and in the Parliament-Close, even the time of sitting,

sitting, and at the rising of the high and honourable Court of Parliament, where our High Commissioner was present amongst them, most disorderly and insolent convocations, and gathering of commons, filling the streets with clamour and confusion, and insulting not only peaceable persons, but also some of the members of our said high and honourable Court of Parliament, presuming to threaten and invade them in their very dwelling-houses, by a most villainous and outrageous mob, which all persons of justice, reason, and honour, ought to detest, and endeavour to suppress and prevent in the severest and strictest manner; therefore we, in the just resentment of such high indignities, and to prevent the like in all time coming, have thought fit, with advice of the Lords of our Privy Council, to ordain the magistrates of Edinburgh to continue their diligence, and make strict inquiry and search, and to cause apprehend all the authors, abettors, accessaries, or assistants, of the foresaid convocations, mobs, and tumults, to the effect they may be brought to condign punishment; declaring, for that end, that whosoever shall discover any of the said authors or accessaries of the said tumults, shall not only be himself indemnified, but have a due reward for so good service: and further, we, with the advice foresaid, ordain the magistrates of Edinburgh to call all the deacons of crafts, and masters of their incorporations, and all others their householders and inhabitants, and oblige them for the good behaviour of their apprentices, servants, and domesticks, in such manner as the laws and customs of the burgh do allow; as also, that they call the regents and masters of the College of Edinburgh, and enjoin them strictly, that for hereafter they keep their scholars in good order, and be careful of their quiet and peaceable behaviour; and we ordain all the inhabitants of the said burgh readily to assist and concur with the magistrates, for repressing and punishing all tumults, under the foresaid pain of law: and farther, for preventing the like wicked insolence in time coming, we, with advice foresaid, hereby declare, that in case, and whenever any such disorderly convocation or tumult shall appear, or begin to appear for hereafter, and that thereupon intimation shall be made by the magistrates, to all and sundry, to withdraw and retire to their respective houses, shops, and employments; whatever apprentice, servant, journey-man, foot-man, or any other person, shall disobey and be found upon the streets, shall be reputed and held as fosterers and maintainers of the said tumults, and punished accordingly: and it is farther ordered, that, after such intimation made to all persons to retire to their houses, and clear the streets, whoever shall be found thereafter disobedient, and to continue upon the streets, may be attacked and seized by the town-guard within the town of Edinburgh, and also by such of our forces as upon such occasions have been, or shall be, called for, and ordered by our Privy Council to march in, and be assistant for the suppressing and dissi-

pating of such wicked tumults and disorders, and that with all manner of force, and by all such means as shall be necessary for that effect: and we, with advice foresaid, do farther declare, that if any slaughter, mutilation, wounds, blood, or bruises, shall happen to be committed by the foresaid guards, or any of our forces that shall be ordered for their assistance, or by their officers in obedience to these our orders, in suppressing and dissipating of the said tumults, and clearing the streets thereof; the actors and authors thereof are hereby declared to be indemnified for ever, and we discharge all pursuit, civil or criminal, to be intended against them on the foresaid account in all time coming, as having acted and done nothing but what was their duty: and in case any of our people shall dare to be so presumptuous, after publication of the premises, to assemble or continue in arms, we hereby require and command the sheriffs of our several shires, stewarts of stewartries, baillies of regalities and baronies, magistrates of burghs, and other officers of our law, officers of our forces, and troops under their command, to pass upon, disperse, and subdue, the said convocations by open force, and all manner of violence, as enemies and open rebels to us and our Government; and in case any slaughter, blood, bruises, or mutilation, shall happen to be done and committed by our said sheriffs, and officers of our forces, and other magistrates foresaid, or persons under their command, we, with advice foresaid, do hereby fully remit, pardon, and indemnify the same, and discharge the prosecution thereof, civilly or criminally, in all time coming. Our will is herefore, and we charge you, that ye pass to the Mercat-Cross of Edinburgh, and Mercat-Crosses of Dumfries, Lanerk, and Glasgow, and other places needful, and there make publication hereof, by open proclamation of the premises, that none may pretend ignorance; and ordain these presents to be printed, and our solicitors to send copies hereof to the magistrates of the respective burghs above-mentioned for that effect. Extracted forth of the records of Parliament, by

JA. MURRAY, Cls. Reg.

Given under our Signet, at Edinburgh, the twenty-fourth day of October, and of our reign the fifth year, 1706.

Per Actum Dominorum Secreti Concilii.

N^o D x.

To his Grace, her Majesty's High Commissioner, and the right honourable the Estates of Parliament.

The Address of the Commissioners to the General Convention of the Royal Burrows of this antient kingdom, convened the 29th of October last, upon the great concern of the Union proposed betwixt Scotland and England, for concerting such measures as should be esteemed proper for them to take, with relation to their Trade, and other concerns,

HUMBLY SHEWETH,

THAT as, by the Claim of Right, it is the privilege of all subjects to petition, so at this time, being mostly impowered by our Constituents, and knowing the sentiments of the people we represent, it is our indispensable Duty, to signify to your Grace, and the honourable Estates of Parliament, That as we are not against an honourable and safe Union with England, consisting with the Being of this Kingdom and Parliaments thereof, without which we conceive neither our Religion, nor our Civil Interests and Trade as we now by Law enjoy them, can be secured to Us and our Posterity, far less can we expect to have the condition of the People of Scotland, with relation to these great concerns, made better and improved without a Scots Parliament :

And, seeing by the Articles of Union, now under the consideration of the honourable Estates of Parliament, it is agreed, that Scotland and England shall be united into one kingdom, and that the united kingdoms be united by one and the same Parliament, by which our Monarchy is suppressed, our Parliaments extinguished, and in consequence our Religion, Church Government, Claim of Right, Laws, Liberties, Trade, and all that is dear to us, daily in danger of being encroached upon, altered, or wholly subverted by the English, in a British Parliament, wherein the mean representation allowed for Scotland can never signify in securing to us the Interest reserved by us, or granted to us, by the English :

And by these articles our Poor People are made liable to the English taxes, which is a certain unsupportable burden, considering that the trade proposed is uncertain, involved, and wholly precarious, especially when regulate as to export and import by the laws of England, and under the same prohibitions and restrictions, customs, and duties; and considering, that the most considerable

branches of our Trade are differing from those of England, and are and may be yet more discouraged by their laws; and that all the concerts of Trade, and our Interest, are, after the Union, subject to such alterations as the Parliament of Great Britain shall think fit:

We, therefore, supplicate your Grace and the honourable Estates of Parliament; and do assuredly expect, that ye will not conclude such an Incorporate Union as is contained in the articles proposed; but that ye will support and maintain the True Reformed Protestant Religion and Church Government as by law established, the Sovereignty and Independency of this Crown and Kingdom, and the Rights and Privileges of Parliament, which have been generously asserted by you in the session of this present Parliament: And do further pray, that effectual means may be used for defeating the designs and attempts of all Popish Pretenders whatsoever to the succession of this Crown and Kingdom; and for securing this Nation against all the Attempts and Incroachments that may be made, by any persons whatsoever, upon the Sovereignty, Religion, Laws, Liberties, Trade, and Quiet of the same. And we promise to maintain with our lives and fortunes all these valuable things, in opposition to all Popish and other enemies whatsoever, according to our Laws, and Claim of Right.

Signed by Order, and in Presence of the Convention, by

SAM. M'LELLAN, Preses.

N^o E x.

THESE are to notify to all concerned, what are our reasons for, and designs in, the burning of the printed Articles of the proposed Union with England, with the names of the Scots Commissioners, subscribers thereof; together with the minutes of the whole Treaty betwixt them and the English Commissioners thereanent.

WE have herein no design against her Majesty, nor against England, or any Englishman; neither against our present Parliament, in their acts or actions for the interest, safety, and sovereignty of this our native and antient nation; but to testify our dissent from, discontent with, and protestation against, the

the twenty-five Articles of the said Union, subscribed by the foresaid Commissioners, as being inconsistent with, and altogether prejudicial to, and utterly destructive of, this Nation's independency, Crown-rights, and our constitute laws, both sacred and civil. We shall not here condescend upon the particular prejudices that do and will redound to this nation, if the said Union should be carried on according to the printed articles, but refer the reader to the variety of addresses given in to the present Parliament by all ranks, from almost all corners of this nation, against the said Union; only we must say and profess, that the Commissioners for this nation have been either simple, ignorant, or treacherous, if not all three, when the minutes of the Treaty betwixt the Commissioners of both kingdoms are duly considered; and when we compare their dastardly yieldings unto the demands and proposals of the English Commissioners, who, on the contrary, have valiantly acquit themselves for the interest and safety of their nation.

We acknowledge it is in the power of the present Parliament to give remissions to the subscribers of the foresaid Articles; and we heartily wish for a good agreement amongst all the Members of the Parliament, so as it may tend to the safety and preservation of both Church and State, with all the privileges belonging thereto, within the kingdom of Scotland.

But if the subscribers of the foresaid Treaty and Union, with their associates in Parliament, shall presume to carry on the said Union, by a supream power, over the belly of the generality of this nation; then, and in that case, as we judge, that the consent of the generality of the same, can only divest them of their sacred and civil liberties, purchased and maintained by our Ancestors with their blood; so we protest, whatever ratification of the foresaid Union may pass in Parliament, contrary to our fundamental laws, liberties, and privileges, concerning Church and State, may not be binding upon the nation, now or at any time to come. And particularly we protest against the approbation of the first Article of the said Union, before the privileges of this nation, contained in the other articles, had been adjusted and secured; and so we earnestly require, that the representatives in Parliament, who are for our nation's privileges, would give timely warning to all the corners of the kingdom, that we and our posterity become not tributary and bond-slaves to our neighbours, without acquitting ourselves, as becomes men and Christians: and we are confident, that the soldiers now in martial power, have so much of the spirits of Scotsmen, that they are not ambitious to be disposed of at the pleasure of another nation: and we hereby declare, that we have no design against them in this matter.

N° F x.

OVERTURE for an Act for Security of the Church.

OUR Sovereign Lady, and the Estates of Parliament, considering, that by the late act of Parliament for a Treaty with England for an Union of both kingdoms, it is provided, that the Commissioners for that Treaty should not treat of, or concerning, any alteration of the worship, discipline, and government, of the church of this kingdom, as now by law established; which treaty being now reported to the Parliament; and it being reasonable and necessary, that the true Protestant Religion, as presently professed within this kingdom, with the worship, discipline and government of this Church, should be effectually and unalterably secured; therefore, her Majesty, with advice and consent of the said Estates of Parliament, doth hereby establish and confirm the said true Protestant Religion, and the worship, discipline, and government, of this Church, to continue without any alteration to the people of this land in all succeeding generations; and more especially, her Majesty, with advice and consent foresaid, ratifies, approves, and for ever confirms, the 5th act of the 1 Parliament K. W. and Q. M. intituled, “Act ratifying the confession of Faith, and settling Presbyterian Church Government, with the hail other acts of Parliament relating thereto, in prosecution of the declaration of the Estates of this Kingdom, containing the Claim of Right, bearing date the 11th of April 1689.” And her Majesty, with advice and consent foresaid, expressly provides and declares, That the foresaid true Protestant Religion, contained in the above-mentioned Confession of Faith, with the form and purity of worship presently in use within this Church, and its Presbyterian Church Government and Discipline, that is to say, the Government of the Church by Kirk-sessions, Presbyteries, Provincial-synods, and General-assemblies, all established by the foresaid acts of Parliament, pursuant to the Claim of Right, shall remain and continue unalterable; and that the said Presbyterian Government shall be the only government of the Church within the kingdom of Scotland; and further, for the greater security of the foresaid Protestant Religion, and of the Worship, Discipline, and Government of this Church as above established, her Majesty, with advice and consent foresaid, statutes and ordains, that, in all time coming, no Professors, Principals, Regents, Masters, or others bearing office in any university, college or school within this kingdom, be capable, or be admitted or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the civil government in manner prescribed, or to be prescribed, by the acts of Parliament. As also, that before

or at their admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the confession of their faith, and that they will practise and conform themselves to the worship presently in use in this Church, and submit themselves to the government and discipline thereof, and never endeavour, directly or indirectly, the prejudice or subversion of the same, and that before the respective Presbyteries of their bounds by whatsoever gift, presentation, or provision, they may be thereto provided. And, further, her Majesty, with advice foresaid, expressly declares and statutes, that none of the subjects of this kingdom shall be liable to, but all and every one of them for ever free of, any oath, vest or subscription, within this kingdom, contrary to or inconsistent with the foresaid true Protestant Religion and Presbyterian Church Government, Worship, and Discipline, as above established, and that the same within the bounds of this Church and Kingdom shall never be imposed upon, or required of them in any sort. And, lastly, that after the decease of her present Majesty (whom God long preserve!) the Sovereign succeeding to her in the royal Government of this kingdom shall, in all time coming, at his or her accession to the Crown, swear and subscribe, that they shall maintain and preserve the foresaid settlement of the true Protestant Religion, with the Government, Worship, and Discipline, of this Church, as above established, inviolably. And it is hereby statute and ordained, that this act of Parliament, with the establishment herein contained, shall be held and observed, in all time coming, as a fundamental and essential condition of any Treaty or Union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto in any sort, for ever: as also, that this act of Parliament, and settlement therein contained, shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the two kingdoms; and that the same shall be there expressly declared to be a fundamental and essential condition of the said Treaty or Union in all time coming.

N^o G x.

Agred to in the Commission, November 8, 1706.

Unto His Grace, Her Majesty's High Commissioner, and the Right Honourable the Estates of Parliament.

The Humble Representation and Petition of the Commission of the General Assembly of this National Church,

SHEWETH,

THAT beside the general address already made by us, for securing the Doctrine, Worship, Discipline, and Government, of this Church, and now under your consideration, which with all gratitude we acknowledge, there are some particulars which, in pursuance of the design of our said address, we do with all humility lay before your Grace and Lordships.

I. That the Sacramental Test being the condition of access to Places of Trust, and to Benefits from the Crown, all of our Communion must be debarred from the same, if not in Scotland, yet through the rest of the dominion of Britain, which may prove of most dangerous consequence to this Church.

II. That this Church and Nation may be exposed to the further danger of new Oaths from the Parliament of Britain, unless it be provided that no Oath, Bond, or Test, of any kind, shall be required of any Minister or Member of the Church of Scotland, which are inconsistent with the known principles of this Church.

III. There being no Provision in the Treaty of Union, for securing of this Church by a Coronation Oath, that therefore, in the Coronation Oath to be taken by the Sovereigns of Great Britain, they be engaged to maintain the Doctrine, Worship, Discipline, and Government, of this Church, and the Rights and Privileges thereof, as now by law established.

IV. That, in case the proposed Union be concluded, the Church will suffer prejudice, unless there be a Commission for Plantation of Kirks and Valuation of Teinds, and making up the Registers of that Court which were burnt, and a Judicatory in Scotland, for redressing grievances, and judging causes, which formerly were judged by the Privy Council, such as the growth of Popery, and other irregularities, and with which Judicature the Church may correspond ancient Fasts and Thanksgivings.

V. Likewise

V. Likewise we do humbly represent, that, in the second part of the Oath of abjuration in favours of the succession in the Protestant line, there is reference made to some acts of the English Parliament, which every one in this nation, who may be obliged to take the said Oath, may not so well know, and therefore cannot swear with judgment. As, also, there seems to us some qualifications required in the Successor to the Crown, which are not suitable to our Principles.

VI. And in the last place, in case this proposed Treaty of Union shall be concluded, this Nation will be subjected, in its Civil Interests, to a British Parliament; wherein twenty-six Prelates are to be constituent members and legislators; and lest our silence should be construed to import our consent to, or approbation of, the civil places and power of Church-men, we crave leave, in all humility, and due respect to your Grace and Honourable Estates of Parliament, to represent, that it is contrary to our known principles and covenants, that any Church-man should bear Civil Offices, or have power in the Commonwealth.

These things we humbly beseech your Grace and Lordships to consider, and provide suitable remedies thereto. And we shall pray, that the only wise God may so direct and guide your Grace and Lordships in these, and all other matters that lie before you, that the result of your consultations may be the glory of God, the advantage of religion, the peace and comfort of her Majesty (whose long and prosperous reign we heartily pray for), the preservation of peace and truth in both kingdoms, and the welfare of this Church and Nation in particular, the satisfaction of all who truly love and fear the Lord therein, the peace of your own consciences, and your comfort in the day of your accounts.

Signed in Name, in Presence, and at the Appointment, of the
foresaid Commission of the General Assembly, by

WILL. WISHART, Moderator.

N° H x.

Reasons given in to Mr. William Wishart, Moderator of the Commission of the late General Assembly of the Church of Scotland, against the Representation and Petition.

AT Edinburgh the twelfth day of November, one thousand seven hundred and six years, by the under subscribing noblemen and gentlemen, Elders in the said Commission, reasons for dissent entered, and protestation taken by them upon the seventh day of the said month, in the meeting of the Commission against an Address proposed to be made by the Commission upon the grounds contained in six articles to the High Court of Parliament; which articles were, by several members of the Commission, urged to be put to the vote for approbation in the form and terms following.

The Articles are as follows.

1. That the Sacramental Test being the condition of access to places of trust, and to benefits from the Crown, all of our Communion must be debarred from the same, if not in Scotland, yet through the rest of the dominion of Britain, which may prove of most dangerous consequence to this Church.

2. That this Church and Nation may be exposed to the further danger of new oaths from the Parliament of Britain, unless it be provided that no oath, bond, or test of any kind, shall be required of any Minister or member of the Church of Scotland, which are inconsistent with the known principles of this Church.

3. There being no provision in the Treaty of Union for securing of this Church by the Coronation Oath, that therefore, in the Coronation Oath to be taken by the Sovereigns of Great Britain, they be engaged to maintain the doctrine, worship, discipline, and government of this Church, and the rights and privileges thereof, as now by law established.

4. That, in case the proposed Union be concluded, the Church will suffer prejudice, unless there be a commission for plantation of Kirks and valuation of Teinds, and making up the Registers of that Court which were burnt; and a Judicatory in Scotland, for redressing grievances, and judging causes, which formerly were judged by the Privy Council, such as the growth of Popery, and other irregularities; and with which Judicatory the Church may correspond anent Fasts and Thanksgivings.

5. Likewise

5. Likewise, we do humbly represent, That, in the second part of the oath of abjuration, in favours of the Successor in the Protestant line, there is reference made to some acts of the English Parliament, which every one in this Nation, who may be obliged to take the said oath, may not so well know, and therefore cannot swear with judgment; as, also, there seems to us some qualifications required in the Successor to the Crown, which are not suitable to our principles.

6. And, in the last place, in case the proposed Treaty of Union shall be concluded, this Nation will be subjected in its civil interests to a British Parliament, wherein twenty-six Prelates are to be constituent members and legislators; and, lest our silence should be construed to import our consent to, or approbation of, the civil places and power of Church-men, we crave leave, in all humility and due respect to your Grace and honourable Estates of Parliament, to represent, that it is contrary to our known principles and covenants, that any Church-man should bear civil offices, or have power in the Common-wealth.

Against which Articles and Address proposed, the said Elders did before the Vote protest, and take Instruments in the Hands of the Clerk of the Commission,

For the Reasons following.

1. The Commission of the General Assembly having already address to the Parliament, for securing the doctrine, worship, discipline, and government, of this Church, and that Address being read in the House upon the 17th of October last, the Parliament did thereupon declare, that, before concluding the Union, they would take the said Address to their consideration, and would do every thing necessary for securing the true Protestant Religion and Church Government presently by law established in this kingdom; which assurance, we conceive, the Commission may very well rely upon, seeing it is not to be doubted, that the Parliament will, in due time, when the Address is taken to consideration, make all necessary provisions for securing our Religion and Church Government by law established; and it may be construed jealousy, or diffidence in this Commission, to press and pursue the said Address further, before it appear what steps and progress the Parliament shall make upon it, especially seeing there are so many Elders of this Commission who are members of the House, and, being heartily concerned for the Church's interest, will certainly take care that nothing be omitted or forgot to be represented in Parliament which is necessary for the Church's security.

2. The Parliament having, upon the 15th of October last, voted to proceed presently to the consideration of the articles of the Treaty of Union, which might
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be known to all by the published minutes, we conceive it not decent or suitable to the prudence of this Commission to present a new Address relating to the subject of the former, whereby the House may be impeded in its procedure, which may cause a longer delay of considering the first Address, by occasioning new questions and debates in the House.

3. The sixth article of the now intended Address contains matters which, we conceive, are not within the sphere and compass of the Commission's business prescribed to them by the General Assembly. Yet a wide step is made in quarrelling and objecting to the constitution of the Parliament of England, the representative of that nation, with which this is now in a Treaty about an Union; likewise in that article the form and frame of the civil policy and government of England, in the extent and latitude of it agreeable to its laws, is reflected upon and challenged; all which, in our opinion, insinuates a blaming and condemning our Parliament for treating of an Union with a kingdom so circumstantiated as England is.

4. Whatever the constitution of the Parliament of England now is, and whatever may be the constitution of the Parliament of Great Britain after the Union, the present legal establishment of our Church is not alterable by it, that being without the bounds of the Treaty, which can reach no farther than the civil policy and government of the United Kingdom; besides that our legal establishment will no doubt be further fenced and fortified, when the Commission's Address is taken into consideration by the Parliament.

5. The Parliament having, upon the fourth of this month, voted that the two kingdoms of Scotland and England shall, upon the first day of May next ensuing, and for ever after, be united into one kingdom by the name of Great Britain, with this provision (that if the Articles of Union be not adjusted by the Parliament, then the agreeing to and approving of the first shall be of no effect); we apprehend it may be of dangerous consequence to present now any Address which may admit of a construction opposite to that vote in Parliament; and certainly it would not be excusable in any, who are members in the House, to concur in an Address of that sort.

So being fully persuaded, that the way of proceeding by the new Address now intended will tend to the great disadvantage and prejudice of the Church as now established, and of the Presbyterian Interest, we found ourselves obliged to enter our dissent, and to protest. *Sic subscribitur*, Rothes, Marchmont, Polwarth, George Baillie, Alexander Ogilvie, J. C. Auchinbreck, J. Campbell.

The Commission of the General Assembly, Reply to the Reasons given
by the Elders for their Protest, intituled,

Some modest Animadversions by way of Reply to a Paper intituled,
Reasons, &c. *ut supra*.

IT was a great grief to the Commission, when it pleased some of our honourable friends of the ruling Elders to protest against the vote, whether the sixth Article of the Commission's second Address should be added to the other articles formerly agreed to; and it doth add no little to our grief, that a paper is given in with reasons against the whole Address; whereas they may remember the first three of the articles of the said Address were unanimously agreed unto before.

We do sincerely profess, we have such a sense of, and confidence in, the kindness of these noble and honourable persons to this Church, that it afflicts us when in any thing we cannot comply with their opinion; but we hope they will excuse us, when purely our conscience towards God maketh us differ.

We heartily wish this debate sopite, and that yet it would please them to take up this paper; perhaps, on more mature and second thoughts, they may see there is no ground to be so severe against our second Address, as to censure it as jealousy or diffidence of the Parliament, or our friends in it, as in the first reasons; and of indecency and unsuitable to prudence, as reason second; or dangerous and such as may be construed as contrary to a vote of Parliament, November the fourth, as in reason 5th. For, the first Address being general, the second was but a humble representation of some particulars we humbly desired might be minded, when it pleased the Parliament to resume the consideration of the first Address, leaving the time to the wisdom of the Parliament, we being far from any design to occasion delay or debate; and it hath pleased the Parliament to insert diverse of the things there desired in the act for the security of the Church, and we would gladly hope they will consider the rest of them in due time.

But, we conceive, it is the 6th Article against which the chief offence is taken, and against which the 3d and 4th Reasons are levelled; but our honourable friends know, there had been much reasoning on that head for diverse days; and when there was no appearance of unanimity, how could the Commission shun a vote for decision of the difference? nor can we be persuaded that the Commission went in their vote without the sphere and compass of the business prescribed to them by the General Assembly, or made a wide step in quarrelling and objecting to
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the constitution of the Parliament of England, as is alledged in reason 3d. For it was oft told, in the conference and debate, we did not meddle with the constitution of the Parliament of England, as the Parliament of England, though we cannot command our judgment to an approbation of it; nor do we speak any thing against treating with the Parliament of England, as the representative of that nation; nor doth it blame our Parliament for treating with them, for they treat with the Parliament of Scotland as the representative of the nation; which as theirs is in its frame established by the laws of the land, yet a regulation thereof is treated of for constituting the British Parliament. Why then should there be so much offence taken, that in due season, before the conclusion of the Treaty, it is humbly represented to the Parliament, that, in case the proposed Treaty of Union be concluded, this nation will be subjected in its civil interests to a British Parliament, wherein twenty-six Prelates are to be constituent members and legislators?

We do not speak in that 6th Article of the legal establishment of our Church, and so the 4th reason toucheth not this point.

And could any thing be more modestly expressed, than this is by the Commission in their Address, in these words:

“ And lest our silence should be constructed to import our consent to, or approbation of, the civil places and power of Church-men, we crave leave, in all humility and due respect to your Grace and honourable Estates of Parliament, to represent that it is contrary to our known principles and covenants, that any Church-man should bear civil offices, or have power in the Commonwealth.”

Nor can we see how this Address doth of its own nature tend to the disadvantage of the established Church and Presbyterian interest.

But, as we have charity towards them, we expect the same charity towards us, acting purely from conscience towards God; and we intreat and expect the continuance of their kindness to this Church.

N° K x.

Unto his Grace her Majesty's High Commissioner, and the Most Honourable the Estates of Parliament.

The Representation and Petition of the Commission of the General Assembly of this National Church of SCOTLAND.

Edinburgh, January 16th, 1707,

HUMBLY SHEWETH,

THAT we, considering the trust reposed in us by the late General Assembly, find it our duty to lay before your Grace and Lordships, when, as we are informed, you are about the passing of an Act of Ratification of the Articles of the Treaty of Union betwixt the two Kingdoms of Scotland and England, which contains these following words: "Declaring, nevertheless, that the Parliament of England may provide for the security of the Church of England as they shall think expedient, to take place within the bounds of the said Kingdom of England, and not derogating from the security above provided, for establishing the Church of Scotland within the bounds of this Kingdom, which shall not suspend or derogate from the force and effect of this present ratification; but shall be understood as here included, without any necessity of any new ratification in the Parliament of Scotland:" which clause seems to us not only to be like a blank, put, with your Grace and Lordships consent, in the hands of the Parliament of England, to enact what they shall think fit for securing the hierarchy and ceremonies of their Church; but also a consent that it be an Article and Fundamental of the Union, and, as is contained in your ratification, cannot but imply a manifest homologation:

We do, therefore, humbly beseech your Grace and Lordships, that there be no such stipulation or consent for the establishment of that hierarchy and ceremonies, as you would not involve yourselves and this Nation in guilt, and as you consult the peace and quiet of this Nation, both in Church and State. We pray that God may bless and preserve our gracious Queen, and direct your Grace and Lordships in this and all the great and momentous affairs which are or may be before you.

Signed in name, in presence, and at the appointment, of the Commission of the late General Assembly, by, *sic subscribitur*,

WILL. WISHEART, Moderator.

N° Lx.

To his Grace her Majesty's High Commissioner, and the Right Honourable
Estates of Parliament, the humble Address of the Presbytery of
Dumblane,

SHEWETH,

THAT, we having seen the several faithful and seasonable Addresses and Representations of our brethren of the Commission to your Grace and Lordships, all which we concur in, and agree to, as expressive of our known and covenanted principles; and though it may appear unnecessary that we should give your Grace and the Honourable Estates of Parliament any trouble this way, yet, from a sense of the duty we owe to God at this juncture, to our gracious Sovereign Queen Anne (whom the Lord long preserve for a blessing to this Church and Nation!), and to your Grace and Lordships, we could not forbear in all humility to represent how much we are alarmed with the present scheme of Union in the printed Articles, as apprehending the fatal consequences thereof in the event of a British Parliament to our Sacred and Religious concerns, and to which we cannot go in, without guilt before God, in a manifest breach of our solemn covenants, by which we are engaged against ecclesiastical persons being legislators in the Common-wealth (the setting up of publick mass, and English ceremonies; the illegal and disorderly practices of the Episcopal Clergy, from the hopes of a Popish Successor to the Crown, without any effectual redress from the Government, notwithstanding of repeated application made by this Church), do give just umbrage of what may be expected when Scotland and England are united into one kingdom, and represented by one and the same Parliament :

May it therefore please your Grace, and the Honourable Estates of Parliament, to be tender of the peace and quiet of this Church and Nation, and settle the Succession in the Protestant line, and to do nothing that may be prejudicial to this National Church in any of its religious or sacred interests, which her Majesty in her gracious letter, backed with your Grace and my Lord Chancellor's speeches to this present session of Parliament, give just ground to expect.

N^o M x.

Unto his Grace her Majesty's High Commissioner, and the Right Honourable Estates of Parliament; the humble Address of the Barons and Freeholders within the Stewartry of Kirkcudbright.

WE the Barons, Freeholders of the said Stewartry of Kirkcudbright, undersubscribing, having seen the Articles of the Union agreed upon by the Commissioners nominate on behalf of the Kingdom of Scotland, and the Commissioners nominate on behalf of the Kingdom of England, in which they have agreed, that Scotland and England shall be united into One Kingdom, the which United Kingdom shall be united by one and the same Parliament; and seeing it doth evidently appear to us, that such an incorporating Union as is contained in the said Articles is contrary to the honour, fundamental laws, and constitutions of this Kingdom, claim of right, and rights and privileges of the Barons and Freeholders of this Kingdom, and that the same is destructive to the true interest of the Nation; and being likewise apprehensive of the danger that evidently threatens our Church-government from a Parliament where there is not one member of that communion: Therefore, we humbly beseech your Grace, and the Honourable Estates of Parliament, that ye will not promote any such incorporating Union; but do confidently expect that ye will support and preserve entire the Sovereignty and Independency of this Crown and Kingdom, and the rights and privileges maintained by our heroic ancestors for the space of near two thousand years, that the same may be transmitted to succeeding generations as it has been conveyed to us; and we will heartily concur with you for supporting and maintaining our Sovereignty and Independency with our lives and fortunes, conform to the qualified laws of the Nation.

N^o N x.

Unto his Grace her Majesty's High Commissioner, and the Right Honourable the Estates of Parliament; the humble Address of the Presbytery of Hamilton,

SHEWETH,

THAT we heartily concur with the Addresses made by the Commission of the General Assembly to your Grace and Lordships, and do believe that there is

a full unanimity therein amongst the ministers of this National Church, both as to the matter of these Addresses, and in their humble and earnest desires that the Honourable Estates of Parliament may take them into further consideration, to prevent the fears and dangers of this Church, that may ensue from an incorporating Union with England in the terms of the Treaty offered to the Parliament.

But that which more especially obliges us in duty and conscience, as Ministers of the Gospel of peace, most humbly to interpose with your Grace and Lordships, is, the lamentable and distracted state of the Kingdom, and particularly the people under our pastoral charge, from the sad apprehensions they have, and have expressed in their several Addresses to the Parliament, of the woeful effects and consequences of such an Union to their liberties, both civil and religious; and that it cannot be entered into by the nation in the terms without incurring the guilt of national perjury: and though hitherto we have endeavoured to keep them from breaking out, yet the ferment and dissatisfaction doth so increase amongst all, that we are justly afraid of what these things may turn unto.

We do, therefore, after serious supplication at the Throne of Grace, most earnestly implore, and with all humility beseech, in the bowels of our Lord Jesus Christ, that your Grace and Lordships may compassionate the trembling state of this Church and Nation, and listen as it were to their dying groans; God having put it in your hands to allay their fears, avert their dangers, and prevent the dreadful confusions that threaten this land, by laying aside this incorporating Union with England, as offered in the Treaty; and by supplicating her most gracious Majesty (for whose long and happy reign over us we do, and always shall, most heartily pray; and upon whose royal assurances, in behalf of this Church, we do most cheerfully rely), that the Protestant succession to the sovereign and independent Crown of this Kingdom may be settled by an Act of our own Parliament; and that no incorporating Union with England may be concluded until her Majesty shall be pleased to call the General Assembly of this Church, which, being the National Church established by Law, and founded on the Nation's Claim of Right, hath an undoubted right to be consulted about her own Securities, before any such Union be entered into with a government of another communion, where that government is to be in a manner sole master of the whole administration.

These things we most humbly beg of your Grace and Lordships, as our protectors and patrons under God, beseeching you to hearken unto us, that God may hearken unto you, and give you peace and comfort in the day of your recompts,

Sic subscribitur.

N^o O X.

A Letter from the Commission of the General Assembly to the Presbytery of Hamilton.

Edinburgh, December 6th, 1706.

R. D. B.

THE General Assembly of this Church having appointed us to take care that it suffer no prejudice through neglect of due application to the Honourable Estates of Parliament, or any other Judicatory concerned in the management of publick affairs; we have in this juncture, wherein a Treaty of Union with the neighbouring Kingdom is under deliberation before the Representatives of our Nation, endeavoured, and are still endeavouring, to exoner our consciences, in doing what we judge incumbent upon us, for securing the doctrine, worship, discipline, government, rights, and privileges, of this Church, as now by the great goodness of God the same are established among us: and being informed of disorders and tumults in some parts of the country, which the enemies of our present happy establishment may be ready to improve, though without ground, to the disadvantage and reproach of this Church; we do look upon it as our duty to recommend to all our brethren, that, as they have in their stations access, they do discountenance and discourage all irregularities and tumults that tend to disturb the Government of our gracious Sovereign the Queen, to whom we are in gratitude, as well as duty, under the highest obligations, seeing, in the kind Providence of God, we by her good and wise management enjoy so many advantages, and upon whose preservation our peace, and the security of all that is dear to us, do under God much depend. This in name, and by the order, of the Commission of the General Assembly of this National Church, is subscribed by

R. D. B.

For the right reverend the
Moderator and remanent
Members of the Presby-
tery of Hamilton.

Your affectionate brother and
servant in the Lord,

WILLIAM CARSTAIRS,
Moderator *pro tempore*.

N^o P x.

The Answer of the Presbytery of Hamilton to the Letter from the
Commission of the General Assembly.

Bothwel, 17 Decemb. 1706.

R. D. B.

YOUR letter, signed by the R. Mr. Carstairs, Moderator *pro tempore*, we received this day, being our first meeting after its date of the 6th instant, wherein there is mention of your being informed of disorders and tumults in some parts of the country, which you recommend unto us to discountenance and discourage as we have access.

We know there have been many reports spread abroad of tumults and disorders, not only in Glasgow, which is too true, but in other places within the shire of Lanerk; which, as to the bounds of our Presbytery, are grossly false; and we have reason to believe them to be so likewise as to the rest of the shire. We have heard also of some calumnious stories industriously disseminated concerning some of our number. With respect to these pretended disorders, which are not only contrary to truth, but to common sense, we wish the forgers and spreaders may be forgiven: they act in this neither the part of good Christians, nor of good subjects.

As to the disposition of the people, the plain truth is, that they are generally most averse from the Union; and many have expressed themselves broadly enough against it, as what they fear may prove an irremediable evil, if it should be concluded, wishing that some stop might be put to it: and we have not been wanting, as there was occasion, to advise and exhort the people to calmness and regularity, and to refrain from any undue keenness might be in their words: but we must say, that it is utterly false and malicious to suggest, that there hath been the least tumult or irregular practice among them since this Union came in question, far less any shadow or appearance of any undutiful or disloyal thought of her Majesty; yea, there has not been so much as the least motion towards their accustomed ordinary rendezvous warranted by law since the publishing of a Proclamation and Act forbidding the same. It is true, that some of those rash youths who broke out from Glasgow passed through our bounds, but they were not allowed to make any stay, nor received the least encouragement at any hand, for aught we know; so that we can well assure the R. Commission, there is as much peace and quiet within the whole bounds of this Presbytery as in any place of the kingdom.

We

We have heard, with much satisfaction, of the zeal which the R. Commission hath shewed by their Addresses mentioned in your letter, for the interests of the Church at this time, when they are in so eminent hazard, and we have testified our concurrence therewith by our Address to the Parliament: but we are still of opinion, that the pressing necessity of the present juncture, and the manifest impossibility (in the event of such an Union as is moulded in the Treaty) of securing this Church in any of her precious concerns, now established by the Laws and Constitution of our own Government and Kingdom, doth not only require the continuance of assiduous application to the Right Honourable Estates of Parliament, but likewise that the Commission, in name of this Church, testify against the concluding of any Union with England, upon the foot of this Treaty, till the General Assembly of this National Church, according to her undoubted right, as we have shewed in our Address, be called and allowed to consider of solid and essential securities for the Church in such an exigence. This, we humbly think, the trust reposed in the Commission, and faithfulness to the Church of Scotland, both in the present and succeeding generations, doth undeniably demand. Thus, heartily recommending you to divine conduct and assistance, we rest,

R. D. B.

For the right reverend the Moderator, and remanent Members of the Commission of the General Assembly at Edinburgh.

Your most affectionate brethren, and humble servants in the Lord, the Ministers of the Presbytery of Hamilton; subscribed in their name; and by their order, by

ALEX. FINDLATER, Moderator.

N^o Q. x.

To his Grace her Majesty's High Commissioner, and the Right Honourable the Estates of Parliament; the humble Address of the Magistrates, Town-Council, Burgeßes, and Inhabitants, of the Burgh of New-Galloway.

WE the Magistrates, Town-Council, Burgeßes, and Inhabitants of the said Burgh of New-Galloway, under-subscribing, having seen the Articles of the Union agreed upon by the Commissioners nominate in the behalf of the Kingdom

Kingdom of Scotland, and the Commissioners nominate in the behalf of the Kingdom of England, in which they have agreed, that Scotland and England be united in one Kingdom; and that the United Kingdom be represented by one and the same Parliament; and seeing it does evidently appear to us, that such an incorporating Union, as is contained in the said Articles, is contrary to the Honour, Fundamental Laws, Constitution of this Kingdom, and Claim of Right, by which our Liberty and Presbyterian Government in the Church are secured; and also contrary to the birth-right of the Peers, and rights and privileges of the Barons, Free-holders, and Burghs of the kingdom; and that the same is destructive to the true interest of the nation:

Therefore, we humbly beseech your Grace and Honourable Estates, and do confidently expect, that ye will not allow of any such Incorporating Union; but that ye will support and preserve the Sovereignty and Independency of this Independent kingdom, and the rights and privileges of Parliament, which has been so valiantly maintained by our heroic ancestors for the space of near two thousand years; that the same may be transmitted to succeeding generations as it has been conveyed to us; for we are resolved to defend and support our Crown and Independent Sovereignty with our lives and fortunes, conform to the established Laws of this nation.

N^o R x.

(Thursday, 19th of December, 1706.)

To his Grace her Majesty's High Commissioner, and the Right Honourable the Estates of Parliament; the humble Address of the Magistrates, Town-Council, Merchants, Deacons of Crafts, and others, Tradesmen and Inhabitants of the Burgh of Dumfermling.

WE the Magistrates, Town-Council, Merchants, Deacons of Crafts, and other Tradesmen and Inhabitants, within the Burgh of Dumfermling, under-subscribing, having seen and considered the Articles of the Union agreed upon by the Commissioners for the Kingdoms of Scotland and England; in which they have agreed, that Scotland and England be united into One Kingdom; and that the United Kingdom shall be represented by one and the same Parliament: and seeing it does evidently appear, that such an Incorporating Union,

as

as is contained in the said Articles, is contrary to the Honour, Fundamental Laws, and Constitution of this kingdom, Claim of Right, and Rights and Privileges of the Burrows and Church-government, as by Law established; and that the same is destructive to the true interest of this Nation; therefore, we humbly beseech your Grace and the Honourable Estates, and do confidently expect, that you will not allow of any such Incorporating Union; but that you will support and preserve entire the Sovereignty and Independency of this Crown and Kingdom, and the Rights and Privileges of Parliament, which have been so valiantly maintained by our heroick ancestors for near two thousand years; that the same may be transmitted to succeeding generations as they have been conveyed to us; and we will heartily concur with you for supporting and maintaining our Sovereignty and Independency with our lives and fortunes, conform to the Laws of the Nation.

TOWN COUNCIL.

David Adie, Baillie.
 David Adie younger, Baillie.
 Jerome Cowie, Dean of Gild.
 William Wilfon, Treasurer.
 David Wilfon, Counsellor.
 John Cowie, Counsellor.
 James Meldrum, Counsellor.
 John Adie, Deacon Conveener.
 Laurance Henderson, Counsel.
 William Inglis, Counsellor.
 William Findlay, Counsellor.
 William Young, Counsellor.
 James Walls, Counsellor.

MERCHANTS.

William Black.
 Henry Elder.
 Robert Anderson.
 John Hart.
 John Balfour.
 William Wilfon.
 Thomas Mitchel.
 Andrew Rolland.
 Robert Adie.

Charles Chambers.

John Hay.
 Patrick Clow.
 Joseph Kirk.
 John Couper.
 William Wilfon.
 Robert Robertsons.
 James Dick.
 David Gray.
 George Chriffie.
 John Watson.
 Patrick Currie.
 John Brown.
 John Allan.
 James Pringle.
 John Bethon.
 Robert Wilfon.
 David Meldrum.
 Robert Walker.

WRIGHTS.

John Main, Deacon.
 Andrew Wilfon.
 John Simpson.
 John Potter.

George Walker.

George Walls.

Thomas French.

Thomas Bonnar.

John Henderson.

James Henderson.

John Main.

James Kirk.

Patrick Thomson.

William Hutton.

James French.

Thomas Richardson.

MASONS.

James Simel.

Charles Young.

David Hunter.

James Somervell.

David Purvas.

William Murgain.

SHOE-MAKERS.

Andrew Duncan, Deacon.

George Stewart.

John Young.

Andrew Main.

FLESHERS.

John Hodge, Deacon.

James Cufin.

Robert Kirk.

John Belfrage.

Thomas Beverage.

Thomas Beverage.

George Philp.

William Taylor.

William Welwood.

John Burly.

Andrew Belfrage.

WEAVERS.

John Wilson, Deacon.

James Wilson.

John Stark.

Patrick Hutton.

James Turnbull.

David Marres.

James Wilson.

Charles Kirk.

Andrew Wilson.

William Kirk.

Thomas Drysdale.

Thomas Richardson.

Alexander Douglass.

John Gotterfon.

John Black.

John Williamson.

William Wilson.

David Dalglish.

John Ker.

Andrew Wilson.

James Shortlands.

John Wilson.

John Wilson, *alter.*

Robert Gotterfon.

Robert Wilson.

Robert Strachan.

Robert Buist.

John Durham.

Robert Dalglish.

Adam Robertson.

Andrew Young.

Robert Black.

Robert Stark.

Thomas Bean.

Magnus Malcolm.

Robert Inch.

George Pullans.

William Beanny.

Robert

Robert Mackraigh.
John Inglis.
John Mackraigh.

TAYLORS.

James Richardson.
Robert Donald.
Andrew Hepburn.
Alexander Coventry.
Thomas Hanna.
James Henderson.
John Jamison.
William Hodge.
Alexander Couper.
John Horn.
James Kellock.
James Wardlaw.
Robert Bauld.
James Hall.
James Richardson.
James French.

John Wilkie.

SMITHS.

James Law.
David Black.
Thomas Wilfon.
John Cunighame.
Adam Stevinson.
William Anderson.
James Smith.

BAXTERS.

William Ker.
John Anderson.
Robert Adamson.
Robert Donald.
James Buist.
Robert Ferguson.
George Crawford.
James Legat.
John Buntine.

Ego Andreas Sympson, Notarius Publicus ac Scriba dicti Burgi de Dumferling, speciali mandato Davidis Sands, Gulielmi Pierfon, Jacobi Band, et Gulielmi Robertfon, Fabrorum Ferrariorum in dicto Burgo, ac Roberti Wellwood, Andreæ Smeitton, Jacobi Willfon, Calceariorum in dicto Burgo, et Joannis Rea, Jacobi Beannie, Thomæ Willfon, Joannis Hepburn, et Jacobi Massertoun, Sartorum in dicto Burgo, et Eduardi Ovenwhyte, Andreæ Beanny, et Joannis Beanny, Fabrorum Murariorum ibidem, ac Petri Nigrew, Alexandri Grieve, Roberti Crawford, Johannis Brown, Andreæ Morris, Roberti Durham, Gulielmi Kirk, Andreæ Kirk, Joannis Hoggan, Roberti Haggan, Patricii Stevenfon, Alexandri Gillespie, et Petri Cairns, Textorum ibidem, et Andreæ Christie, Jacobi Walker, Gulielmi Walker, Davidis Christie, Gulielmi Easan, Jacobi Brown, et Joannis Thomas, Fabrorum Lignariorum, et Gulielmi Cusin Lanionis in dicto Burgo, pro illis omnibus scribere nescien. ut afferuerunt specialiter requisitus subscribo, sic subscribitur.

AND. SYMPSON, N. P.

The names of the persons signing this Address are put in here, not that it was very material as to the persons, but as a specimen of the manner how these addressees were usually signed.

Here follows the several states of the revenues and debts of the respective kingdoms of England and Scotland, as they were distinctly and separately stated by the order, and for the service, of the Commissioners of both Kingdoms, appointed to treat of the Union; with the several valuations and calculations, appropriations, proportions, and net produce, as they were laid before the said Commissioners, being the same referred to in that part of this history, intituled, Of the Treaty in London, fol. 104.

N^o S x.

A STATE of the Revenues and Publick Income of the Kingdom of England, *viz.*

The Revenues appropriated for the better support of her Majesty's household, and of the honour and dignity of the Crown (by an act 1 Annæ Regiæ) during her Majesty's life.

Per annum, per annum.

<p>THE Excise of 2s. and 6d. <i>per</i> barrel on beer, ale, &c. excluding 3700<i>l.</i> a week appropriated thereout for publick uses, and including so much of the charges of management, as is paid by the Cashier, according to a <i>medium</i> of three years last past, amounts to</p>	<p>286178 0 0</p>
<p>The further subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported (exclusive of drawbacks by debentures and allowances for damaged goods by like medium, is</p>	<p>356841 0 0</p>
<p>The revenue of the General Letter-office, or Post-office, by a like medium, including charges of management paid by the Receiver, is</p>	<p>101101 0 0</p>
<p>The produce of the fines arising in the Alienation-office, (including the necessary expences of the Court of Chancery, and other charges born thereout) is by a medium</p>	<p>4804 0 0</p>
	<p>The</p>

Per annum, per annum.

The past fines by a reserved rent on a grant thereof in being, is	— — — —	2276	0	0
The produce of the revenue arising by wine licences, including charges of management, by a medium, is	— —	6314	0	0
Sheriffs profits, <i>communibus annis</i> , about	—	1040	0	0
Compositions in Exchequer by a medium of three years	—	13	0	0
Seizures of uncustomed and prohibited goods the like	—	13005	0	0
The revenue of the Dutchy of Cornwall, consisting of the custom, coinage, duty of tin, rents of lands, fines of leafes, and other revenues certain and casual, amount to about	— —	9869	0	0
The revenue of the Principality of Wales, about	—	6857	0	0
Other revenues, arising by rents of lands, and fines of leafes, &c. by a medium of what paid into the Exchequer in last three years, amount to about	— — — —	2906	0	0
So the total of the revenues, reckoning upon a medium as aforesaid, and including the said charges of raising the same, is about	— — — — —	691240	0	0

The other Publick Income.

Customs and subsidies of tonnage and poundage, by several acts of Parliament, continue till the 1st August, 1710, and are appropriated for discharging such debts or incumbrances as in the said acts are mentioned; these, excluding drawbacks by debentures, portage-bills, and allowances for damaged goods, and including charges of management paid by the cashier, according to a medium of three years last past, do produce about	— — — — —	345704	0	0
Impositions on wines, vinegar, tobacco, and East-India goods, which continue to the said 1st August, 1710, are appropriated for discharging of debts as aforesaid; and, excluding drawbacks by debentures, and allowances for damaged goods by a like medium, are about	— — — — —	373485	0	0
Additional impositions on goods and merchandizes are continued and appropriated as aforesaid; these (excluding drawbacks and allowances) by a like medium, produce	— —	39645	0	0
The duties on coals, culm, and cinders, continued to the 30th September, 1710, are appropriated to such uses as in the acts				

Per annum, per annum.

of Parliament for the same are mentioned, by a like medium — — — — —	113688	0	0
The 15 <i>l.</i> <i>per cent.</i> on muslins, and the duties on coffee, tea, spices, pictures, &c. with the additional duties lately imposed thereon, and upon callicoes, china wares, and unrated drugs, are all granted and continued to the 24th of June, 1710, and appropriated for re-payment of loans with interest : the former duties by a medium of the last three years (excluding draw-backs and allowances for damaged goods) produced 42475 <i>l.</i> and the new duties are estimated at 74000 <i>l.</i> <i>per annum</i> , which toge her is — — — — —	116475	0	0
Twenty-five pound <i>per cent.</i> additional duty on French goods, continueth for the residue of a term of twenty-one years, from the 28th-February, 1696, is applicable to any uses of the war ; and the produce thereof, by a medium of the last three years, excluding allowances for damaged goods, is about	10794	0	0
Five shillings per ton on French shipping, granted the 12th Car. II. is to continue so long as the duty of fifty sols <i>per</i> ton, on English shipping in France, and three months longer, and is applicable to any uses of the war ; the medium of the last three years amounts to — — — — —	81	0	0
Plantation duties granted 25th Car. II. on goods carried from one plantation to another, are not particularly appropriated, but applied to the uses of the war ; the said medium is	877	0	0
Four and a half <i>per cent.</i> in specie, arising in Barbadoes and the Leeward Islands, subject to an annuity payable to the heirs and assigns of the Earl of Kinnoul, are applied thereunto, and towards the support of these islands, pursuant to an address of the House of Commons in that behalf ; a medium of the produce of the said duty, by sales thereof made here in the last three years, is — — — — —	6459	0	0
Coinage duty (being 10 <i>s.</i> <i>per</i> ton on wines imported) is continued to the 1st of June, 1708, and appropriated to the use of the mint, and by a medium of three years (excluding draw-backs and allowances for damaged wine) is about	7350	0	0
The duties on whale fins and Scotch linen, continued till the 1st of August, 1710, are appropriated for discharging of loans and other debts (exclusive of draw-backs and allowances for damage) by a like medium may be, — — — — —	10239	0	0

Per annum, per annum

One-third additional tonnage and poundage, granted for three years from the 8th March, 1703, and applicable to the repayment of loans and interest; and by another act continued from the 8th of March, 1706, for 98 years, for payment of certain annuities; the produce thereof, in the year ended at Christmas last (exclusive of draw-backs and allowances for damaged goods) was	— — — — —	81746	0	0
Three-thirds additional tonnage and poundage, granted for four years from the 8th of March, 1704, are applicable to the repayment of loans and interest; the produce thereof may be estimated to be at least	— — — — —	160000	0	0
Three thousand seven hundred pounds a week, to be taken out of the hereditary and temporary Excise on beer, ale, &c. is appropriated for payment of interest to divers bankers, and others, for monies lent by them to King Charles II. redeemable on payment of a moiety of the principal, and for annuities for several terms of years	— — — — —	192400	0	0
Nine-pence <i>per</i> barrel Excise on beer, ale, &c. by one act of Parliament, is to continue till the 17th May, 1713; and by another act is granted for a further term of 95 years: the produce is appropriated, in the first place, for satisfying annuities on lottery tickets, which will end at Michaelmas, 1710, and afterwards to the payment of annuities, by a medium of the last three years	— — — — —	164828	0	0
Another nine-pence <i>per</i> barrel Excise, made perpetual for payment of annuities to the Bank of England, and other annuities; this grant, not containing all the duties given by the act for the 9d. last mentioned, will produce, by a like medium,	— — — — —	155000	0	0
And one other 9d. <i>per</i> barrel for 99 years, from the 25th of January, 1692, is appropriated to payment of diverse other annuities; the like,	— — — — —	155000	0	0
Duties on low wines and spirits of the first extraction continued till the 24th of June, 1710, are appropriated for re-payment of loans, with interest; by a medium of last three years, will make	— — — — —	25267	0	0
Duties on malt, mum, and cyder, have been continued from year to year, for several years past, and are computed at	— — — — —	650000	0	0

Memorandum, in most years this Fund proves deficient.

Twelve

Per annum, per annum.

Twelve-pence <i>per</i> bushel on salt, granted the 5th of Will. and Mary, in perpetuity, is appropriated till the first of August, 1710, towards payment of debts and incumbrances (exclusive of draw-backs for salt and fish exported) by the produce of the last year may be reckoned. — — —	54621	0	0
Twenty-eight pence <i>per</i> bushel on salt, granted the 9th of Will. in perpetuity, towards payment of annuities, after the rate of 8 <i>per cent.</i> to the traders to India; by a like computation, — — —	128038	0	0
Rent of hackney coaches, being 4 <i>l.</i> <i>per annum</i> each, for 700 coaches, continues for the residue of a term of 21 years, from Midsummer 1694, is applied to the service of the war, and amounts to — — — — —	2800	0	0
Licences to Hawkers and Pedlars, continued to the 24th June, 1710, are appropriated towards paying off loans with interest, and, by a medium of three years, is — — —	6460	0	0
Stamp duties on vellum, parchment, and paper, part whereof continues till the first of August, 1710, and is appropriated for re-payment of loans; the other part is granted in perpetuity, towards payment of annuities to the traders to India, by a medium of three years (excluding allowances for prompt payment) have produced — — —	89110	0	0
The duties on windows, continued to the 1st of August, 1710, for re-payment of loans and other debts, produce about — — —	112069	0	0
The aid of 4 <i>s.</i> in the pound on land, &c. for the present year, is ascertained at — — — — —	1997763	3	4½
	5000097	3	4½
Total of the Incomes and Revenues —	5691803	3	4½

Memorandum. The revenues of the First Fruits and Tenths, by an act of the 1st of Queen Anne, were granted for support of the Civil Government; but are not computed here, because they have been since given in perpetuity for the augmentation of the maintenance of the poor Clergy; and also the money arising by prizes with the perquisites of Admiralty, which have been both applied to the uses of the war, are not inserted in this computation, because the said prizes cease with the war, and the Lord High Admiral hath relinquished his droits of Admiralty for no longer time than the war lasts.

No

N^o T x.

A STATE of the Debts of the Kingdom of England, viz. Principal Money, borrowed on the several Funds undermentioned, which remain at this time unsatisfied, that is to say,

	£.	s.	d.
On three-fourths Customs, granted 3 W.			
and M. — — —	21056	5	1
Additional impositions, <i>eod. anno</i> , —	112474	19	10½
First 4 s. aid, 4 W. and M. — —	17500	0	0
Second quarterly pole, 5 W. and M. —	34565	13	1
Stamp-duties, <i>eod. anno</i> , — —	66949	7	8½
Third 4 s. aid, 6 W. and M. — —	53603	7	3
Duties on marriages, &c. <i>eod. anno</i> , —	62516	4	0
Fourth 4 s. aid, 7 W. — —	103039	0	8
These are provided for by an act of the 8th W. which continues several funds therein mentioned to the 1st of August, 1706, — — — —			
	471704	17	11½
There also remains to discharge the Exchequer bills, issued by virtue of several acts of Parliament (over and above 230000 l. computed to be due for interest) the principal sum of — — — —	534062	9	8
To satisfy loans on the 3 s. in the pound granted 8 W. (over and above 169000 l. by computation for interest), the principal sum of — — — —	423098	18	3
To satisfy loans on the duties on paper, vellum, &c. granted for two years, from the first of March, 1696, 8 Will. besides 6160 l. by computation for interest, the principal sum of — — — —	15400	0	0
To discharge the malt tickets, issued 8 Will. (besides 254554 l. for six years interest) the principal sum of	579000	0	0
To satisfy loans transferred to the duties on leather, granted 8 Will. for three years from 20th April 1697 (besides about 105000 l. for interest) the principal sum of —	504438	0	0
To satisfy loans on the quarterly pole, granted 9 W. (besides about 73000 l. for interest, the principal sum of —	226770	17	0
4 N			To

	£.	s.	d.
To satisfy loans on the 3 ^{s.} in the pound granted 10 W. (besides about 5200 ^{l.} for interest) the principal sum of	31271	6	3½
To compleat the payment wanting at Michaelmas, 1701, on the yearly sum of 160000 ^{l.} intended to be paid by the act 9 Will. out of certain duties on salt, and stamp vellum, to the traders to India, — — — —	70872	11	1½
Total of the principal sum —	2384914	2	4½
And the several computations of interest at this time, due as above-mentioned, amount to — — — —	914	0	0
These are provided for by an act, 1 Anne, by continuing several funds therein-mentioned to the first of August, 1710, — — — — —	3227828	2	4
There is further owing on the following fund, viz. on low wines, &c. granted 13 Will. for five years, the principal sum of — — — — —	6674	10	3
Duties on coals, &c. 2 Anne, for five years from 14, 1703,	235720	4	0
One-third tonnage and poundage, <i>eod. ann.</i> for 3 years —	55236	4	6
Two-thirds ditto, 3 Anne, for 4 years, from 8 March, 1704,	545957	4	0½
Low wines, &c. <i>eod. anno</i> , until 1710, — — — —	692000	0	0
These are debts on funds not yet expired, and which are reckoned sufficient to satisfy the same, — — — —	1535588	2	9½
And,			
On duties on coals granted 9 W. for 5 years, 16000	0	0	
Two 2 ^{s.} aid, 11 Will. — — — —	12733	6	8
Two-thirds 3 ^{s.} aid, 12 Will. — — — —	9753	12	0
Six 4 ^{s.} aid, 1 Anne. — — — —	42399	5	0
Subsidies, or capitation duties, <i>eod. anno</i> , 17384	9	7	
The money resting unsatisfied on debentures, &c. were charged on the Irish forfeitures, about — — — —	960000	0	0
These are deficiencies not yet provided for by Parliament.	1058270	13	3

Other Incumbrances, viz.

The 9^{d.} *per* barrel Excise, which was granted for 99 years,
from the 25th January, 1692, is charged with 124866^{l.}

per

£. s. d.

per annum for annuities, for which there was contributed 1492379*l.* 7*s.* and there being now about 13 years expired, the remainder of the term may be estimated to be a present incumbrance of ————

148455 0 0

The same 9*d.* *per barrel* is also charged with 7567*l.* *per ann.* for annuities to the Contributors of 108100*l.* on the advantage of survivorship till the number of the survivors be reduced to seven, and then the share or seventh part of each of them as they die to revert to the Crown: this estate has an uncertain termination, but may be reckoned equal to a term of thirty years, and so be an incumbrance of about —

104149 0 0

The 9*d.* *per barrel* Excise, granted in perpetuity, is charged; to wit, two-seventh parts thereof with 100000*l.* *per ann.* to the Bank of England for 1200000, advanced by them: this is redeemable on payment of the said principal sum, as in the act is mentioned ————

1200000 0 0

And the remaining two-sevenths is charged with 15336*l.* 13*s.* 6*d.* *per ann.* for 176744*l.* 1*s.* 9*d.* contributed for those annuities, which were at first purchased for one life, and afterwards turn'd into estates certain for 90 years, from 25th January, 1702; which, by reason of the small time elapsed, may still be reckoned an incumbrance of — —

176000 0 0

And with the sum of 20030*l.* 1*s.* *per ann.* for such of the contributors of 170917*l.* 2*s.* 3*d.* for annuities for two lives as are now in being; and abating out of the said contribution money so much as was paid for annuities since fallen, the rest is an incumbrance of — —

166917 2 3

And also with 2093*l.* 10*s.* 4*d.* *per ann.* to such of the contributors of 21235*l.* 4*s.* for annuities for three lives, as are now in being; and abating out of this contribution so much as was paid for annuities of 30*l.* since fallen, there rests an incumbrance of ————

20935 0 4

The 9*d.* *per barrel* Excise, granted for sixteen years, from the 17th May, 1697, is charged with the payment of 140000*l.* *per annum*, upon tickets commonly called the Million Lottery tickets, for the residue of a term which expires at Michaelmas 1710; and the said annuity being

	£.	s.	d.
valued, for the four years and a half yet to come, at a rebate of 6 <i>per cent. per ann.</i> compound interest, is worth —	538185	0	0
The 28 <i>d. per</i> bushel on salt, and the additional stamp-duties, are granted in perpetuity, and charged with the payment of 160000 <i>l. per annum</i> to the traders to India, for two millions advanced to the publick, and is redeemable by Parliament upon paying the said — — —	2000000	0	0
The 3700 <i>l.</i> a week, payable out of the hereditary and temporary Excise, is charged with 39855 <i>l.</i> 16 <i>s.</i> 0½ <i>d. per ann.</i> for bankers and others, who lent 1328526 <i>l.</i> to king Charles II. redeemable by Parliament upon payment of a moiety of the said principal, which is, — — —	664263	0	0
And with 104745 <i>l.</i> 10 <i>s.</i> 6½ <i>d. per ann.</i> for 1569664 <i>l.</i> 18 <i>s.</i> 6 <i>d.</i> contributed for annuities for 99 years from Lady-day, 1704, — — —	1569664	18	6
And also with 46000 <i>l. per ann.</i> to the contributors of 690000 <i>l.</i> for annuities for 99 years, from Christmas, 1705, — — —	690000	0	0
The one-third subsidy, from 8 March, 1706, and the 9 <i>d. per</i> barrel Excise (at present applicable to the payment of the Million Lottery tickets), with an additional supply, till those funds come in, are charged with 184242 <i>l.</i> 14 <i>s.</i> <i>per ann.</i> to the contributors of 2855761 <i>l.</i> 16 <i>s.</i> 2 <i>d.</i> for an — — —	2855761	16	2
nuities for 99 years, from Lady-day, 1706, — — —	11470451	11	0
Total,	17763842	17	3½

Memorandum, That nothing is inserted in this accompt as a debt on any land-tax, or malt-duty, which are annual grants, except where any of them have proved deficient.

Memorandum, There is a claim made by the assignee of the Earl of Kinoul, of 17250*l.* out of the 4 and a half *per cent.* on account of arrears on an annuity of 1000*l.* incurred before her Majesty's accession to the Crown.

N^o U x.

A STATE of the Publick Revenue of Scotland, as it now is, and may amount to.

	£.	s.	d.
The Excise on ale and beer is 2s. sterling <i>per</i> Scotch gallon, and now farmed for 33500 <i>l.</i> sterling, and, if exacted in the same manner as in England, may amount to	50000	0	0
The Customs have been let at 34000 <i>l.</i> and are now in time of war let for 28500 <i>l.</i> with a condition in the lease, that, upon a peace, the Lords of the Treasury may let a new lease; and may amount to	50000	0	0
The Crown rents about	5500	0	0
The casualty of superiorities and compositions at the Exchequer, <i>communibus annis</i> , about	3000	0	0
The Post-office farmed at 1194 <i>l.</i> but, if collected, may amount to	2000	0	0
The impositions for coinage	1500	0	0
Land-tax is now 36000 pounds, and, to make it equal with the 4s. <i>per</i> pound in England, it is proposed to be	48000	0	0
	<hr/>		
	160000	0	0
	<hr/>		
The debts due to the Army, Civil List, and other charges of Government, about	160000	0	0

N^o W x.

An Account of the Net Annual Produce of the Customs in England, from a Medium of three years ended at Michaelmas, 1705. With the respective Times or Terms for which they have Continuance, and the Uses for which they are severally appropriated or applied, *viz.*

		Net Money <i>per Ann.</i>		
For the Civil Government.		£.	s.	d.
Customs and subsidies of tonnage and poundage, granted 1 st Anne, during her Majesty's life		—	—	—
		253514	0	0
Several branches, not appropriated to the payment of debts, <i>viz.</i>				
Twenty-five <i>per cent.</i> additional duty on French goods, for the remainder of a term of 21 years from 28 February, 1696, is applied towards the service of the war.		—	—	—
		10794	0	0
Coinage duties, continues to the first of June, 1708, and is appropriated to the uses of the mint.		—	—	—
		7350	0	0
Two-fourths <i>per cent.</i> in specie from Barbadoes and the leeward islands is perpetual, and applied, pursuant to an Address of the House of Commons, towards the support of those islands, subject also to an annuity of 1000 <i>l. per ann.</i> to the heirs and assignees of the Earl of Kinnoul.		—	—	—
		6459	0	0
Plantation duties upon particular commodities carried from one plantation to another 25 Car. II. made perpetual, not appropriated to any particular use.		—	—	—
		877	0	0
		25480	0	0
These undermentioned are appropriated for payment of debts, till first August, 1710; though the said debts charged thereon will by computation be paid off sooner.				
The subsidy of tonnage and poundage, granted 12 Car. II.		—	—	—
		292139	0	0
Impositions on wines and vinegar, granted 2d Jac. II.		—	—	—
		113918	0	0
		Impositions		

	£.	s.	d.
Impositions on tobacco, ditto. — — —	100338	0	0
Impositions on East India goods, ditto. — —	150899	0	0
Additional impositions on several goods and merchandizes, 4 Will. — — — — —	38548	0	0
Several impositions and duties on whale finns, and Scotch linen, 9 Will. — — — — —	106219	0	0

Other appropriated Branches.

Fifteen *per cent.* on muslins, &c. granted by several former acts, were by an act, 3 Anne, continued to the 24th of June, 1710, and by that act doubled, and several new duties thereby granted, from February 1704, to the said 24th June 1710, and made a fund for borrowing 700000 *l.* at an interest of 6 *per cent. per ann.*; and so much of the said duties as is under the management of the Commissioners of the Customs was estimated in Parliament to amount to about, *per annum*, — — — 116475 0 0

Two-thirds additional tonnage and poundage, 3 Anne, for four years, from the 8th March, 1704, are appropriated for re-payment of loans, not exceeding 636957 *l.* 4s. 0½. with interest after the rate of 6 *per cent. per annum*; and, by an act, 4 Anne, continued towards payment of annuities till the 30th September, 1710; by the nearest computation that can yet be made, will produce at least 160000 0 0

Two-thirds tonnage and poundage granted, 2 Anne, for three years, from 8th March 1703, and thereby made a fund of credit for 300000 *l.* at an interest after the rate of 5 *per cent. per annum*; afterwards, 4 Anne, continued for 98 years, from the 8th March 1706, together with 9 *d. per barrel* Excise appropriated towards payment of 184242 *l.* 14 *s. per annum* in annuities; a medium of the produce thereof, in the 3 years ended at Michaelmas, 1705, is — — — — — 79619 0 0

Totals for the Civil Government — — 253514 0 0

Unappropriated — — 25480 0 0

Appropriated for debts to 24th June,
1710, — — — — — 116475 0 0

For

	£.	s.	d.	£.	s.	d.
For other debts, till 1st August, 1710. —	706471	0	0			
For ditto, till 30 September, 1710. —	160000	0	0			
For 98 years from 8th March, 1706. —	79619	0	0			
Total <i>per Annum</i> .	1341559	0	0			

Duties on coals, culm, and cinders, by an act, 1 Anne, continued from 14th May 1703, to 15th May 1708, and thereby charged with 500000 *l.* and interest; by another act, 4 Anne, continued to 30th September, 1710; and appropriated towards payment of annuities; those duties are collected at the Custom-house, and, by a medium of three years ended at Michaelmas 1705, are *per annum* about ————— 110958 0 0

N° XX.

An Account of the Proportions which the present Customs of Scotland do bear to the several Branches of that Revenue in England, exclusive of the Increase that may arise by the higher Duties, or greater Importations, after the Union.

	£.	s.	d.	Scotch Customs	Proportions
English Customs —	1341559	0	0	£. s. d.	
For the Civil Govern-				30000	0 0
ment — —	253514	0	0		5669 0 0
Unappropriated as to					
any debts —	25480	0	0		570 0 0
Appropriated for debts					
till 24th June, 1710.	116475	0	0	— 2605	0 0
Till 1st August, 1710.	706471	0	0	— 15798	0 0
Till 30th Sept. 1710.	160000	0	0	— 3578	0 0
For 89 years, from 8th					
March, 1706. —	79619	0	0	— 1702	0 0
	1341559	0	0		0 0 0
					300 0 0

An Account of the neat annual Produce of the Excise on Beer and Ale in England, from a Medium of three Years, ending at Michaelmas 1705, with the respective Times or Terms for which the several Branches thereof have continuance, and the uses to which they are severally appropriated, or applied, *viz.*

For the Civil Government.

	£.	s.	d.
Two shillings and 6 <i>d.</i> per barrel on beer, ale, &c. 15 <i>d.</i> whereof is to continue during her Majesty's life, and the other 15 <i>d.</i> is hereditary; these during her Majesty's life are appropriated towards defraying the charge of the Civil Government, after a deduction of 3700 <i>l.</i> a week, appropriated thereout for payment of annuities; and, by a medium of three years ended at Michaelmas 1705, the neat produce into the Exchequer over and above the said 3700 <i>l.</i> a week will be	—	—	—
	269837	0	0

For Annuities and other public Debts.

Three thousand seven hundred pounds a week, to be taken out of the hereditary and temporary Excise, during her Majesty's life, and afterwards out of the hereditary part for ever, is appropriated for payment of — —

£. 39855. 16s. 0½ *d.* per ann. to bankers and others, for interest after the rate of 3 *l.* per cent. for 1328526 *l.* lent to K. Charles II. redeemable on payment of a moiety of the said principal, being 664263 *l.* and for payment of

£. 104742. 10s. 6½ *d.* per ann. for 99 years, from Lady-day 1704, for 1569664 *l.* 18s. 6 *d.* contributed for annuities.

£. 46000. per ann. for 99 years, from Christmas 1705, for 690000 *l.* purchase money, contributed for annuities.

£. 190598 6s. 7 *d.* and the rest for charges in paying the said annuities. In all — — —

192400 0 0

Nine-pence per barrel Excise, granted 4 W. for 99 years, from 25 January 1692, is charged with 124866 *l.* per ann. for annuities, for which there was contributed 1492379 *l.*

£. s. d.

7 s. and with 7567 l. *per annum*, for 108100 l. advanced for annuities on the advantage of survivorship, by a medium of the neat produce into the Exchequer, in the said three years, is — — — — —

150106 0 0

Another 9d. *per barrel*, 5 Will. made perpetual, is appropriated as follows, viz.

Five-sevenths thereof for payment of 100000 l. *per annum* to the Bank of England for 1200000 l. advanced by them, which is redeemable on paying the principal sum, as in the said act is mentioned. And,

Two-sevenths with 15336 l. 3 s. 6 d. *per annum*, for 176744 l. 1 s. 9 d. contributed for annuities, which were at first purchased for single lives, and afterwards turned into estates certain for 89 years, from 25th January 1702.

And also, with 230 l. 1 s. *per annum*, for 170917 l. 2 s. 3 d. advanced for annuity for two lives.

And also with 2093 l. 10 s. 4 d. *per annum*, for 21235 l. 4 s. contributed for annuities for three lives, the produce of the 9d. by a medium of the said three years, is —

150094 0 0

And one other 9d. *per barrel* for 16 years, from 17 May, continued, 4 Anne, from 17th May, 1713, for 95 years, is appropriated for paying 140000 l. *per annum*, on Million Lottery tickets, for the remainder of a term of 16 years, which will end at Michaelmas, 1710, and afterwards towards paying annuities, amounting to 184242 l. 14 s. *per ann.* purchased for 99 years, from Lady-day 1706. The neat produce of this 9d. (which contains some additional duties on brandy, &c. not granted by the two former acts), from a medium of the said three years, is — — — — —

159898 0 0

Low wines and spirits of the first extraction, continued by an act, 4 Anne, from 24th March 1706, to 24th June 1710, are appropriated towards re-payment of 700000 l. authorized to be borrowed, as well upon credit of these duties, as upon an additional duty of 15 l. *per cent.* on mussels, &c. The nett produce hereof, by a like medium, is — — — — —

25267 0 0

Total

6 77765 0 0

Out

Out of which to be deducted so much as by the foregoing neat produce will be more than sufficient to pay the above-mentioned Annuities, viz.

A superplus of the 9 <i>d.</i> per Barrel, for the remainder of 99 years from 25th Jan. 1692,	17673	0	0
A superplus of the 9 <i>d.</i> for the Bank and others,	12634	0	0
A superplus of the Lottery 9 <i>d.</i> continued for Annuities with the $\frac{1}{2}$ <i>d.</i> subsidy of tonnage and poundage,	55274	6	0
All which are unappropriated, and amount to	85581	6	0
And then the Total of the several Branches of Excise appropriated for payment of Debts is <i>per ann.</i>	592183	14	0

N^o Y x.

An Account of the Proportions which the present Excise upon Liquors in Scotland doth bear to the several Branches of that Revenue in England, exclusive of the Encrease that may arise by the higher Duties, or greater Consumption after the Union.

	Scotch Excise <i>per Ann.</i>			Proportions		
	£.	s.	d.	£.	s.	d.
English Excise <i>per ann.</i>	947602	0	0	33500	0	0
For the Civil Government	269837	0	0	9539	0	0
Superplufages unappropriated	85581	6	0	3025	0	0

4 0 2

Appre

Appropriated for Debts.

	£.	s.	d.	L.	s.	d.	£.	s.	d.	
£. 3700 a week for payment of Annuities for 99 years, and in perpetuity re- deemable by Parli- ament, ———	192400	0	0	—	6802	0	0			
Nine-pence <i>per</i> Barrel for the remainder of 99 years from 25 Jan. 1692, ———	132433	0	0	—	4682	0	0			
Nine-pence <i>per</i> Barrel for the Bank, &c. ———	137460	0	0	—	4861	0	0	—20936	0	0
Nine-pence <i>per</i> Barrel for payment of Lot- tery Tickets, and af- terwards for Annu- ities, — — —	104623	0	0	—	14869	0	0			
Low wines till 24 June 1710, — — —	25267	0	0	—	893	0	0			
	<hr/>				<hr/>					
	947602	0	0		33500	0	0			
	<hr/>				<hr/>					

N^o Z x.

If the Customs of Scotland, now lett at £ 30000 *per annum*, accord-
ing to the Stating of the Equivalent, does contribute annually,
viz.

	£.	s.	d.
Towards Payment of the Debts of England ———	23761	0	0
Civil List ———	5669	0	0
The general Expence or Charge of the Nation ———	570	0	0
	<hr/>		
	30000	0	0
	<hr/>		

Every

Every 1000 *l.* Encrease on the said Customs will contribute to the aforefaid Services, viz.

	<i>£.</i>	<i>s.</i>	<i>d.</i>
Towards Payment of the Debts of England	792	0	0
Civil List	189	0	0
The General Expence or Charge of the Nation	19	0	0
	<hr/>	<hr/>	<hr/>
	1000	0	0
	<hr/>	<hr/>	<hr/>

If the Excise of Scotland now lett at 33500 *l. per Ann.* according to the Stating of the Equivalent, does contribute annually, viz.

Towards Payment of the Debts of England	20936	0	0
Civil List	9539	0	0
The general Expence or Charge of the Nation	3025	0	0
	<hr/>	<hr/>	<hr/>
	33500	0	0
	<hr/>	<hr/>	<hr/>

Every 1000 *l.* Encrease on the said Excise will contribute to the aforefaid Services, viz.

Towards Payment of the Debts of England	625	0	0
Civil List	285	0	0
The general Expence or Charge of the Nation	90	0	0
	<hr/>	<hr/>	<hr/>
	1000	0	0
	<hr/>	<hr/>	<hr/>

In pursuance of the Order of the Lords Commissioners of both Kingdoms, on the 22d instant, for signing the books of Journals, the same are accordingly signed this 25th day of July, 1706, by us,

DAVID NAIRN.
GEO. DODDINGTON.

N^o A. x x.

O V E R T U R E

Concerning the Debts of the African and Indian Company.

ORDERED, That the Directors of the African Company, shall betwixt
 and the day of next,
 frame and state a particular accompt of all the monies advanced by the Proprietors of the said Company, with the Annual Rents of the seamen, from the respective terms of payment to the first of May next; which accompt shall bear the names and designations of the several Proprietors, and the place and page of the book or books out of which the same is extracted.

As also, That the said Accompt shall bear all the Transfers that have been made, and marked in the Company's books, by any of the Proprietors, with the names and designations of the Assignees; and mark also the book and page out of which these are extracted.

Ordered, That the said Directors shall also frame and state a particular Accompt of the Debts due by the said Company, with the Annual Rents thereof (where the debts bear annual rent), that shall be resting at the first day of May next; which Accompts shall bear the names and designations of the Creditors, and the books and pages out of which they are extracted.

Ordered, That the Directors of the said Company do also make an inventory of the books belonging to the said Company, containing the titles and numbers of the said book, and also an account of all the effects belonging to the said Company.

Ordered, That the said Accompts, and Inventory of Books and Effects above-mentioned, being subscribed by the Preses of a Quorum of the Directors, and the Secretary or Clerk to the said Company, shall be delivered in to the Lord Clerk Register, to lie in the Records; and that the said Lord Clerk Register shall be obliged to give all the Proprietors and Creditors to the said Company, mentioned in the said Accompts, their Assignees, and others having Right from them, Extracts subscribed by him, or Deputies appointed by him for that effect, of the several shares of Stock and Interest, and Debts stated in the said Accompt, and that gratis.

Ordered, That there be a Warrant granted by the Parliament for summar Diligence, by Horning and Caption, against the Directors of the said Company,
 for

for framing, stating, and giving in the said Accompts, and Inventory of books and effects subscribed as above-mentioned.

Ordered, That the Books and Vouchers of the Company be exhibited to the Commissioners to be named by her Majesty, for disposing of the Equivalent, or any appointed by them, as oft as they shall so require. And that the Clerks and all Havers of the said Books and Vouchers may be called summarily by the said Commissioners for exhibition before themselves; and if need be, Letters of Horning be direct upon their Warrant for that effect: and, also, that the Lord Clerk Register, and the said Commissioners, or any by them appointed, shall not only have free access to inspect, but liberty to copy these Books, or any part thereof, as they shall think fit, to the end that the said Accompts, and Inventories of goods and books, may be compared with the said Books.

Ordered, That the sum to which the said Accompts of Stock and Debts, with their Annual Rents, shall amount, not exceeding the sum of two hundred forty three thousand one hundred sixty-six pounds, three shillings, sterling, shall be, by the Commissioners to be named by her Majesty for applying of the Equivalent, conform to the Articles of the Union, consigned in the hands of a Cash-keeper, one or more, to be named by her Majesty for that effect, to be distributed to the several Proprietors, Creditors to the Company, and others having right from them, according to their respective shares stated in the said Accompts and Books to which they relate.

Ordered, That the said Cash-keepers, one or more, to be named in manner foresaid, shall find caution, at the sight of the Commissioners to be named by her Majesty, for applying of the Equivalent in the terms, and to the effect, the Cash-keepers of the African Company formerly did find caution.

Ordered, That how soon the said Commissioners for disposing the Equivalent shall receive the sum of 398085 *l.* 10 *s.* which is to be payed to Scotland by the 15th Article of the Treaty of Union of the Kingdoms of Scotland and England, or so much thereof as may answer to the damage that private persons may sustain by rectifying the Coin of this Kingdom, and to the sum to which the Capital Stock, Debts of the said Company, and Interest thereof, shall amount to, conform to the said Accompts; that then the said Commissioners shall be obliged, and are hereby strictly required, forthwith and without delay, to consign the said sum, principal and interest, contained in the said Accompts, in the hands of the Cash-keepers, one or more, to be appointed as above.

Ordered, That, in case the said Commissioners for disposing the Equivalent shall delay or postpone to consign as above appointed, summar diligence shall be allowed against the said haill Commissioners, *in solidum*, by Horning and Caption,

whereof no suspension shall pass by any Judge or Judicatory, but upon consignation or performance as aforesaid.

Ordered, That the said diligence shall be raised and execute against the said Commissioners, at the instance of any person to be named between and the said day, by the Council and Directors of the said Company.

Ordered, That how soon the said sum of 398085 *l.* 10 *s.* sterling, mentioned in the foresaid Article of the Treaty, shall be paid in to the Commissioners, or so much thereof as will be needful for repairing the loss in reducing the Coin of this Kingdom to the standart of England, and refounding the said Capital Stock, Debts, and Annual Rents, to the said Company, conform to the above Accompt, that immediately thereafter a Proclamation of Council be issued intimating the same.

Resolved, That the said Cash-keeper, one or more, their receipt or discharge of the said Sums contained in the said Accompts, shall be a sufficient exoneration to the Commissioners for disposing of the Equivalent. And that the said discharge be by the said Commissioners, immediately after the same is granted, given in to be registrate in the Books of Council and Session; and that an extract of the said discharge be forthwith presented by the said Commissioners to the Privy Council; and that thereupon the Privy Council shall immediately issue a Proclamation, to be published at the Head-burghs of the several Shires, intimating that the said sums are consigned in the said Cash-keepers hands.

Ordered, That after the foresaid money shall be paid in to the said Cashier, to be distributed and paid in manner foresaid, that the whole Books of the Company according to the Inventory appointed to be made in manner above-mentioned, shall be delivered to the Lord Clerk Register, to lie in the Records, and to be made patent to the said Commissioners to be named by her Majesty, for disposing of the Equivalent, and all others having Interest.

Ordered, That, after the said Proclamation, the Cashiers, one or more, shall be bound, and are hereby strictly ordered and required, to make ready and effectual payment, without abatement, to the Proprietors and Creditors of the said Company, their Assignees, and others having Right from them, of their respective Stocks and Debts, and Interest of the same, as contained in the Accompts above-mentioned, or Extracts thereof upon valid Discharges, bearing absolute Warrantice.

Ordered, In case the said Cashier or Cashiers shall delay making due and ready payment to the said Proprietors and Creditors above-mentioned of their respective shares, then the said Proprietors or Creditors, and others deriving Right from them, shall, upon an Extract of a partick of the said Accompts in so far as concern the said particular Proprietors or Creditor, or upon the Receipts formerly

merly granted by the Cashiers of the said Company, have Letters of Horning, and all other execution as is allowed upon Foreign Bills of Exchange, against the said Cashier or Cashiers, and his or their cautioner.

Ordered, That the said Cashier or Cashiers shall keep an exact Accompt of all the payments they make, and insert the same in a book for that effect, all the particular receipts and discharges which they shall get from the Proprietors and Creditors, or others foresaid.

Ordered, That for preventing frauds and abuses, that none of the Commissioners of the Equivalent, or the Cashier or Cashiers aforesaid, shall, by themselves, or others in their name, or to their behoof, make any bargain or transaction for any share of the said Capital Stock or Interest, directly or indirectly, and that under the pain of usury and infamy.

Ordered, That the Debts due to the African, &c. Company, by the Proprietors, on account of the moieties called for and not paid in, or on account of their subscription-money, be discharged.

Ordered, That the effects belonging to the Company, to be contained in the foresaid Inventory, upon paying in the foresaid sum answerable to the Capital Sum advanced by the Proprietors of the African Company, and to the Debts due by the said Company, and to the Interest of the said Capital Stock and Debts, conform to the Accompts appointed to be made of the same to the Cashier to be named for that effect, in manner above-written, shall belong to her Majesty, and be applied, by the foresaid Commissioners of the Equivalent, to the same uses to which the other Sums to be paid to Scotland, conform to the foresaid 15th Article, are appointed to be applied.

Resolved, That an Act be brought in, warranding and appointing diligence to pass in the terms of the above orders, against the Commissioners of the Equivalent, and the Cashiers aforesaid; as also prohibiting and discharging the said Commissioners or Cashiers to make any bargain or transaction for any part of the Capital Stock or Interest of the said Sum as above-mentioned.

N^o B x x.

A P P R O C L A M A T I O N

Against all Tumultuary and Irregular Meetings and Convocations of the
Liedges.

A NNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith: To Our Lyon King at Arms, and his Brethren, Heraulds, Pursevants, Macers, and Messengers at Arms, Our Sheriffs in that part, conjunctly and severally, specially constitute, greeting: Forasmuch as, albeit the raising of Tumults, and making Convocations within Burgh, and the Riotous and Disorderly Assembling and continuing in Arms, thereby insulting the Magistrates, and hindering them in the Execution of their Office, and hindering of the Common Law, be contrary to sundry Laws and Acts of Parliament, as well as destructive of the ends of Government, and particularly to Parl. 14. cap. 77. Ja. 2. Ja. 4. Parl. 3. chap. 34. Ja. 6. Parl. 18. chap. 17. As also the rising in arm, convocating our Liedges in the open fields, and marching in formed bodies armed through the country, and entering into our Royal Burghs, boden in Fier of Weir, and entering into bonds, leagues, and associations, for prosecuting illegal and unwarrantable ends, be, by several Laws and Acts of Parliament, declared to be open and manifest Treason, and the Committers, Abettors, and Assistants in such Crimes and Practices, ought to be prosecuted, and may be punished as Traitors to her Majesty and her Government; and particularly by Parl. 2. Ja. 1st. chap. 37. Ja. 2. Parl. 6. chap. 14. Ja. 6. Parl. 12. chap. 144. Cha. 2. Parl. 1st. Session 1st. chap. 3. Yet, nevertheless, We, and our Estates of Parliament, are certainly informed, that in several corners of the Realm, and particularly in our Burgh of Glasgow, and other places within the Sheriffdom of Lanerk, and in our Burgh of Dumfries, and other places adjacent, people have presumed, in manifest contempt of the foresaid Laws, to assemble themselves in open defiance of our Government, and with manifest design to overturn the same, by insulting the Magistrates, attacking and assaulting the houses of our peaceable subjects, continuing openly in arms, and marching in formed bodies through the country, and into our Burghs, and insolently burning, in the face of the sun, and presence of the Magistrates, the Articles of Treaty, betwixt our two Kingdoms, entered into by the authority of Parliament, and even after the said Articles had been presented to Us, and were under the consideration of Us and our Estates, presently sitting in Parliament, and some
progress

progreſs made thereupon; and ſuch crimes and inſolencies being no ways to be tolerated in any well-governed nation; but, on the contrary, ought to be condignly puniſhed conform to the Laws above-mentioned, and other Acts of Parliament made thereanent, eſpecially if perſiſted and continued in after our diſpleaſure therewith ſhall be made known: Therefore, We, with advice and conſent of the Eſtates of Parliament, peremptorily require and command all and every perſon, who have aſſembled themſelves in manner above-mentioned, to lay down their ſaid arms, and diſperſe themſelves, and peaceably and quietly to retire, and betake themſelves to their ſeveral habitations and employments; and We, with advice foreſaid, prohibit and diſcharge any aſſembling or convocating in arms in manner foreſaid, under the pains contained in the Acts of Parliament above-mentioned, certifying all that ſhall be guilty, actors, abettors, or aſſiſtants, in convocating or aſſembling in arms, or thoſe who ſhall convocate and commit theſe practices above-mentioned, ſhall be treated and purſued as open traitors, and the pains of Treason execute upon them accordingly: And in caſe any of our people ſhall dare to be ſo preſumptuous, after publication of the premiſſes, to aſſemble or continue in arms; We hereby require and command the Sheriffs of our ſeveral Shires, Stewarts of Stewartries, Baillies of Regallities and Baronies, Magiſtrates of Burghs, and other Officers of our Law, Officers of our Forces and Troops under their command, to paſs upon, diſperſe, and ſubdue the ſaid convocation, by open force, and all manner of violence, as enemies and open rebels to us and our Government: And in caſe any ſlaughter, blood, bruises, or mutilation ſhall happen to be done and committed by our ſaid Sheriffs, and Officers of our Forces, and other Magiſtrates foreſaid, or perſons under their command; We, with advice foreſaid, do hereby fully remit, pardon, and indemnify the ſame, and diſcharge the proſecution thereof civilly or criminally in all time coming. Our will is therefore, and we charge you, that ye paſs to the Mercat-croſs of Edinburgh, and the Mercat-croſſes of Dumfries, Lanerk, and Glaſgow, and other places needful, and there make publication hereof, by open Proclamation of the premiſſes, that none pretend ignorance: And ordains theſe preſents to be printed, and our Solicitors to ſend Copies hereof to the Magiſtrates of the reſpective Burghs above mentioned, for that effect. Extracted forth of the Records of Parliament, by

JA. MURRAY, Cls. Reg.

God Save the Queen.

N° C x x.

M E M O R A N D U M

For the Honourable Estates of Parliament.

P RIMO, it is humbly intreated, that in case the Union be concluded, that, for preserving the peace of the Nation, and redressing of grievances of the Church, the Privy Council may be continued, or some Court established for judging in such cases as were formerly judged by the Council, and this Church may correspond with them for Fasts and Thanksgivings. *Secundo*, The interests of diverse Heretors, as well as the exigents of the Church, will require, that there be some fixed Court to do the work of the Commission for Plantation of Kirks, and Valuation of Teinds, which is the more necessary, in respect of the great prejudice the Church has sustained for want thereof; and that this Court be impowered to make up the Registers of the Commissions of former Parliaments that were burnt in the great fire in Edinburgh. *Tertio*, Seeing the terms of an oath should be clear, that it may be taken in truth, in righteousness, and judgment; it is desired, that, if the English Abjuration Oath be required of Scots-men, the words may be made plain and clear, without reference to English Statutes, which are not known here; and that what the taker of the said Oath is to be obliged to, be expressly insert in the said Oath, and that the same be agreeable to our known principles. *Quarto*, Seeing, upon the event of an Union, there ought to be a Communication of all Privileges and Advantages which do or may belong to the subjects of either Kingdom; it is intreated, that due provision be made, that, in case of any Union, Scots-men may be capable of places of Power and Trust in all places of Britain, without any obligation to take the English Sacramental Test; for that, besides what may be said of the danger that way, to prophane that holy Ordinance, it may prove a temptation to divers to conform, who otherways would not do it, and this way, by degrees, bring in corruption to this Church. *Quinto*, Seeing the Ecclesiastical Supremacy, claimed some time by the Sovereigns in this Land, was such an encroachment on the prerogative of our Lord Jesus Christ, the alone Head and King of his Church, and had such sad consequences, and is now so happily rescinded: it is humbly intreated, that all possible security be provided against the re-assuming of it in after-time.

N° D x x.

Act against all Musters and Rendezvouzes during the present Session of Parliament.

Novemb. 30, 1706.

OUR Sovereign Lady, considering, that by the 3d act of the 2d session of this Parliament, intituled, "Act for Security of the Kingdom," it is statute and enacted, that the whole Protestant Heretors, and all the Burghs within the same, shall forthwith provide themselves with Fire-arms for all the Fencible-men, who are Protestants, within their respective Bounds; and the said Heretors and Burghs are thereby empowered and ordained, to discipline and exercise their Fencible-men once in the month at least; and also considering that the disorderly and seditious meetings and tumults, in some places in the country, do make it necessary at this occasion to suspend the effect of the foresaid clause, during this Session of Parliament, allennarly: Therefore, her Majesty, with advice and consent of the Estates of Parliament, doth hereby suspend the effect of the foresaid clause, and that during this Session of Parliament allennarly. And further, her Majesty, with advice and consent foresaid, doth charge and strictly prohibits the subjects of this Kingdom to meet and assemble together in arms, after the publication hereof, upon any pretence whatsoever, during the space foresaid, without her Majesty's special command, or express licence had or obtained thereto: And requires and commands all the subjects of this Kingdom to retire to their own habitations and lawful employments; certifying them as that do in the contrary, that they shall be liable to the pains of High Treason, conform to the Laws and Acts of Parliament made against unlawful convocations and rising in arms.

N^o F x x.

IN the Parliament, Monday 4th November 1706, a Vote was stated in thir Terms : Approve of the First Article of Union in the Terms of the Motion mentioned in the preceeding days Minutes, viz. that, if the other Articles of Union be not adjusted by the Parliament, then the agreeing to and approving of the First shall be of no effect ; and that, immediately after the said First Article, the Parliament will proceed to an Act for the Security of the Doctrine, Discipline, Worship, and Government of the Church, as now by Law established within this Kingdom ; and it carried Approve, in the Terms of the above Motion ; and the List of the Members as they voted *Pro* and *Con* (ordered to be printed) is as follows.

A P P R O V E R S of the Nobility.

The Lord Chancellor,	Dalhousie	Viscounts.
Marq. of Montrose, P. S. C.	Leven	Duplin
Duke of Argyle	Northesque	Garnock.
Marquess of Tweeddale	Bellcarras	
Marquess of Lothian.	Forfar	Lords.
Earls.	Kilmarnock	
Mar, Sec.	Kintore	Forbes
Lowdown, Sec.	Dunmore	Elphinstoun
Crawford	Marchmont	Rofs
Sutherland	Hyndfoord	Torpichen
Roths	Cromarty	Frazer
Mortoun	Stair	Banff
Eglington	Roseberry	Elibank
Roxburgh	Glasgow, Ther. Dept.	Duffus
Haddingtoun	Hoptoun	Rollo
Galloway	Delorain	Lord Register
Weymes	Illay.	Lord Justice Clerk.

Of

Of the Barrons.

Sir Robert Dickson of Inverask	William Bennet of Grubbet
William Nisbit of Dirletoun	Mr. John Murray of Bowhill
Jo. Cockburn, younger, of Ormiston	Mr. John Pringle of Haining
Sir John Swintoun of that Ilk	Will. Morison of Prestoungrange
Sir Alexander Campbell of Cefnock	George Baillie of Jerviswood
Sir William Ker of Greenhead	Sir John Johnston of Westerhall
Archibald Douglass of Cavers	William Douglass of Dornock
Mr. Will. Steuart of Castle-stewart	Sir Kenneth Mackenzie
Mr. John Steuart of Sorbie	Mr. Æneas Mackleod of Catboll
Mr. Francis Montgomery of Giffan	Mr. John Campbell of Mammore
Mr. Will. Dalrymple of Glenmuir	Sir James Campbell of Auchinbreck
Mr. Robert Steuart of Tillicoultry	Ja. Campbell, younger, of Ardkinglass
Sir Robert Pollock of that Ilk	Sir William Anstruther of that Ilk
Mr. John Montgomery of Wrae	James Halyburton of Pitcurr
John Hadden of Glenagies	Alexander Abercrombie of Glassoch
Mungo Grahame of Gorthy	William Maxwell of Cardinefs
Sir Thomas Burnet of Leyes	Mr. Ja. Dumbar, younger, of Hemprigs
Will. Seton, younger, of Pitmedden	John Bruce of Kinross.
Alexander Grant, younger, of that Ilk	

Of the Burrows.

Sir Patrick Johnston	Mr. William Carmichael
John Scrymgeour	Captain Daniel Mackleod
Lieutenant Coll. Jo. Areskin	Sir David Dalrymple
John Muir	Sir Alexander Ogilvie
James Scot	Mr. John Clerk
Patrick Bruce	John Ross
Sir John Areskine	Sir Hugh Dalrymple
James Spittle	Mr. Patrick Ogilvie
Mr. Patrick Moncrieff	George Allerdice
George Monro	William Alvis
Sir Andrew Home	Mr. Roderick Mackenzie
William Coltran	John Urquhart
Sir Peter Halket	Sir James Steuart
Sir James Smollet	Daniel Campbell

Sir

Sir Robert Forbes
Mr. Robert Douglass
Mr. Alexander Maitland

Mr. George Dalrymple
Mr. Charles Campbell.

Sic Subscribitur, Seafield, Chancellor. I. P. D. P.

Noes of the Nobility.

Duke of Hamilton
Duke of Athole
Marquess of Annandale.

Viscounts.

Stormount
Killyth.

Earls.

Errol
Marischal
Buchan
Glencairn
Wigtoun
Strathmore
Selkirk
Kincardin.

Lords.

Semple
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Colvil
Kinnaird.

Of the Barons.

George Lochart of Carnwath
Sir James Foulis of Colingtoun
Sir Patrick Home of Rentoun
Sir Gilbert Eliot of Minto
William Baillie of Lamingroun
John Sinclair, younger, of Stevenfon
James Sharp of Hoddam
Mr. Alexander Ferguson of Isle
John Brittain, younger, of Bishoptoun
Mr. William Craigmiles of Kilmaronock
Sir Humphrey Colquhoun of Luss
Sir John Houston of that ilk
John Grahame of Kilaurn
James Grahame of Bucklyvie

Thomas Sharp of Houfoun
Sir Patrick Murray of Auchtertyre
John Murray of Strowan
Andrew Fletcher of Saltoun
Sir Robert Sinclair of Longformacus
Sir David Ramfay of Balmain
Alexander Gordon of Pitlurg
James More of Stoniewood
John Forbes of Colloden
David Bethune of Balfour
Mr. Thomas Hope of Rankeilor
Mr. Patrick Lyon of Auchterhouse
Mr. James Carnagie of Pinhaven
David Grahame, younger, of Fintrie

James

James Ogilvie, younger, of Boyn
 Alexander Mackgie of Palgoun
 Sir Henry Innes, younger, of that ilk

Alexander Douglass of Eagleshaw
 Mr. George Mackenzie of Inchoulter.

Of the Burrows.

Robert Inglis
 Alexander Robertson
 Walter Stewart
 Alexander Watfon
 Hugh Montgomery
 Alexander Edgar
 John Black
 James Oswald
 Robert Johnstoun
 Alexander Duff
 Francis Molison
 Walter Scot
 George Smith
 Robert Scot
 Robert Kellie

John Hutchefon
 Mr. William Sutherland
 Archibald Sheils
 Mr. John Lyon
 Mr. Dougal Steuart
 George Brodie
 George Spence
 Sir David Cuninghame
 Mr. William Johnstoun
 Mr. John Carruthers
 George Home
 Mr. James Bethun
 John Bayne
 Mr. Robert Frazer.

Sic subscribitur, Seafeld, Cancellar. I. P. D. P.

N^o E x x.

This belongs to Minutes 46.

IN the Parliament, the 27th of December 1706, a Vote was stated : Approve of a Proclamation, discharging unwarrantable and seditious Convocations and Meetings, *Yea* or *Not*, and it carried *Approve* ; and the List of the Members Names as they voted, *Approve* or *Not* (ordered to be printed), is as follows.

A P P R O V E R S of the Nobility.

Marq. of Montrose, P. S. C.	Roxburgh	Glasgow Ther. D.
Duke of Argyle	Haddingtoun	Hoptoun
Marquess of Tweeddale	Galloway	Delorain
Marquess of Lothian.	Dalhousie	Ilay.
	Findlater	
<i>Earls.</i>	Leven	<i>Lords.</i>
	Northesque	
Mar, Sec.	Belcarras	Forbes
Lowdown, Sec.	Forfar	Elphinstoun
Crawford	Kilmarnock	Rofs
Sutherland	Kintore	Torphichen
Roths	Dunmore	Frazer
Mortoun	Marchmont	Banff
Glencairn	Cromarty	Duffus
Eglintoun	Stair	Lord Register
Abercorn	Roseberry	Lord Justice Clerk.

Of the Barons.

Robert Dundas of Arnistoun	Sir Gilbert Eliot of Minto
Sir Robert Dickson of Inverask	Archibald Douglass of Cavers
William Nisbet of Dirletoun	William Bennet of Grubbet
Jo. Cockburn, younger, of Ormistoun	Mr. John Murray of Bowhill
Sir John Swintoun of that Ilk	Mr. John Pringle of Haining
Sir Alexander Campbell of Cefnock	William Morison of Prestoungrange
Sir William Ker of Greenhead	Sir John Johnston of Westerhall

William

William Douglass of Dornock
Mr. William Steuart of Castle-stewart
Mr. John Steuart of Sorbie
Mr. Francis Montgomery of Giffan
Mr. Will. Dalrymple of Glenmuir
Mr. Robert Steuart of Tillicoultry
Sir Robert Pollock of that Ilk
Thomas Sharp of Houftoun
Mr. John Montgomery of Wrae
John Hadden of Glenagies
Mungo Grahame of Gorthy
Sir Thomas Burnet of Leyes

Will. Seton, younger, of Pitmedden
Hugh Ross of Kilravock
Mr. John Campbell of Mammore
Sir James Campbell of Auchinbreck
Ja. Campbell, younger, of Ardkinglass
Sir William Anstruther of that Ilk
James Halyburton of Pitcurr
Alexander Abercrombie of Glassloch
William Maxwell of Cardinefs
Alexander Douglass of Egilshaw
John Bruce of Kinross.

Of the Burrows.

Sir Patrick Johnston
John Scrymfour
Lieutenant Coll. Jo. Areskin
John Muir
James Scot
Sir John Anstruther
Sir John Areskine
James Spitle
Mr. Patrick Moncrieff
Sir Andrew Home
Sir Peter Halket
Sir James Smollet
Mr. William Carmichael
Mr. William Sutherland
Captain Daniel Mackleod
Sir David Dalrymple
Sir Alexander Ogilvie

Mr. John Clerk
John Ross
Sir Hugh Dalrymple
Mr. Patrick Ogilvie
George Allardice
William Alvis
Mr. James Bethuin
Mr. Roderick Mackenzie
John Urquhart
Sir James Steuart
Daniel Campbell
Sir Robert Forbes
Mr. Robert Douglass
Mr. Alexander Maitland
Mr. George Dalrymple
Mr. Charles Campbell.

Sic subscribitur, Seafeld, Cancellar. I. P. D. P.

Noes of the Nobility.

Duke of Hamilton
Duke of Athole
Marquess of Annandale.

Earls.

Errol
Marischal

Wigtoun

Selkirk.

Viscounts.

Stormount

Kilsyth.

Lords.

Saltoun

Oliphant

Balmerino

Blantyre

Bargany

Beilhaven

Colvil

Kinnaird.

Of the Barons.

George Lockhart of Carnwath

Sir James Foulis of Colingtoun

Sir John Lauder of Fountainhall

Andrew Fletcher of Saltoun

Sir Robert Sinclair of Longformacus

Sir Patrick Home of Rentoun

William Baillie of Lamingtoun

John Sinclair, younger, of Stevenfon

Mr. Alexander Ferguson of Ille

Jo. Brisbane, younger, of Bishoptoun

Mr. Will. Cochran of Kilmaronock

Sir John Houftoun of that Ilk

James Grahame of Bucklivie

Robert Rollo of Powhouse

Sir Patrick Murray of Auchtertyre

John Murray of Strowan

Alexander Gordon of Pitlurg

John Forbes of Colloden

David Bethune of Balfour

Major Henry Balfour of Dunboig

Mr. Thomas Hope of Rankeilor

Mr. Patrick Lyon of Auchterhouse

Mr. James Carnagie of Phinhaven

David Grahame, younger, of Fintrie

James Ogilvie, younger, of Boyn

Alexander Mackgie of Palgoun

James Sinclair of Stempfter

Sir Henry Innes, younger, of that Ilk

Mr. George Mackenzie of Inchoulter

Of the Burrows.

Alexander Robertson

Walter Stewart

Alexander Watson

James Oswald

Alexander Duff

Francis Molison

George Smith

Robert Scot

Robert Kellie

Archibald Sheils

Mr. John Lyon

Sir Robert Anstruther

Sir David Cuninghame

Mr John Carruthers

George Home

John Bayne

Sic subscribitur, Seafield, Cancellar. I. P. D. P.

N^o G x x.

Threatening Letter to the Duke of Queensberry in the time of the Rabbles at Edinburgh, and the carrying on the Treaty.

One subscribed thus :

To his Grace the Duke of Queensberry, her Majesty's High Commissioner to the Parliament of Scotland.

May it please your Grace,

I Could not have peace in my own mind, night or day, until I made this discovery of a plot, so closely laid against your Grace, that the world could not have discovered, unless it had pleased God thus to touch my conscience, or some others of the Conspirators: wherefore, I shall give your Grace a short account of the true matter of fact, without the least dissembling. Upon Thursday last, at twelve o'clock at night, there came a gentleman to my house, who whispered in mine ear, while I was in bed, to go along with him in all haste; so I got up out of bed, and went with him: he led me into a chamber, where I met seven other young men, who welcomed me to the place, and, after a little talk, told me they were upon a business which they could not effect without me, which was to dispatch that treacherous Devil the Commissioner (so they were pleased to call your Grace). I (God forgive me!) joined with them heartily: whereupon they produced a paper, containing a most horrid oath; whereby they bound themselves to assassinate your Grace, the first day the Parliament sat after New-year's-day, and that they should rather be burned alive than discover their fellows. Two and twenty have subscribed this oath with their blood.

They said they wanted only two to compleat their number for the work, they desiring to have twenty-four concerned in it: some of these your Grace would little suspect; but these, that are to be the main actors, are the most graceless, debauch'd wretches in the world, that fear neither God nor man: some of them are to be cloathed in the Highland dress; one in the habit of a beggar with a false beard; six of them are to be in the habit of baxters, that by this means they may with the more ease raise the rabble; one of these, in Highland dress, is to stand on your left hand as you come out of the Parliament House, with a naked durk beneath his plaid to stab your Grace, but, if he has no opportunity for
action,

action, then the beggar is to attend your coach with a pistol beneath his rags, which he is to fire at your Grace, at which the baxters are to raise the rabble with their cries, which they think will soon be done; then, lest your Grace should escape with life, they are to take care to get the Nether-bow Port closed in spite of the guards. Their next design is upon the Chancellor Philiphaugh, and some others. After repeated oaths of secrecy, we parted about three o'clock this morning, and I come home; but perplexing thoughts so tormented me, that I could neither sleep, eat, or drink, till I eased my mind with this discovery. If your Grace will assure me of pardon, and that you will obtain me a remission from the Queen, for this and another crime, which the Conspirators will alledge, for revenge I was guilty of ten years ago abroad, I will come to your Grace's lodging and make a full discovery of this whole design, and let your Grace see their names written with their own hands, and with their own blood, for they put so much trust in me, as that they gave it me in keeping. Your Grace may take your own method in making it known, if you will pardon me and protect me; which if your Grace do, I shall not fail to perform my promise, and tell your Grace other circumstances than can recite here.

I am, may it please your Grace,

Dec. 20, 6 at night,
1706.

Your Grace's humble servant.

There were several other letters, some to bully and insult the Commissioner, some pretending to caution him; but his Grace took no notice of any of them, nor did he ever omit going to the Parliament House, or pursue the affair then in hand, notwithstanding these insults.

N° H x x.

An Act for Securing the Church of England as by Law Established.

WHEREAS, by an Act made in the Session of Parliament held in the third and fourth year of her Majesty's reign, whereby her Majesty was impowered to appoint Commissioners, under the Great Seal of England, to treat with Commissioners, to be authorized by the Parliament of Scotland, concerning an Union of the Kingdoms of England and Scotland, it is provided and enacted, that the Commissioners, to be named in pursuance of the said Act, should not treat of or concerning any alteration of the Liturgy, Rites, Ceremonies, Discipline, or Government, of the Church, as by law established within this realm: and whereas, certain Commissioners appointed by her Majesty, in pursuance of the said Act, and also other Commissioners nominated by her Majesty by the authority of the Parliament of Scotland, have met, and agreed upon a Treaty of Union of the said Kingdoms; which Treaty is now under the consideration of this present Parliament: and whereas the said Treaty (with some alterations therein made) is ratified and approved by Act of Parliament in Scotland; and the said Act of Ratification is, by her Majesty's royal command, laid before the Parliament of this Kingdom: and whereas it is reasonable and necessary, that the true Protestant Religion, professed and established by Law in the Church of England, and the Doctrine, Worship, Discipline, and Government thereof, should be effectually and unalterably secured: Be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by authority of the same, That an Act, made in the Thirteenth year of the reign of Queen Elizabeth, of famous memory, intituled, "An act for the Ministers of the Church to be of sound religion;" and also another Act, made in the Thirteenth year of the reign of the late King Charles II. intituled, "And act for the Uniformity of Publick Prayers, and Administration of Sacraments, and other Rites and Ceremonies, and for establishing the Form of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, in the Church of England," (other than such clauses in the said Acts, or either of them, as have been repealed or altered by any subsequent Act or Acts of Parliament); and all and singular other Acts of Parliaments, now in force, for the Establishment and Preservation of the Church of England, and the Doctrine, Worship, Discipline, and Government thereof; shall remain and be in full force for ever.

And be it further enacted, by the authority aforesaid, That, after the demise of her Majesty (whom God long preserve!), the Sovereign, next succeeding to her Majesty in the Royal Government of the Kingdom of Great Britain, and so for ever hereafter, every King, or Queen, succeeding and coming to the Royal Government of the Kingdom of Great Britain, at his or her Coronation, shall, in the presence of all persons who shall be attending, assisting, or otherwise then and there present, take and subscribe an Oath to maintain, and preserve inviolably, the said Settlement of the Church of England, and the Doctrine, Worship, Discipline, and Government thereof, as by Law established within the Kingdoms of England and Ireland, the Dominion of Wales, and Town of Berwick upon Tweed, and the territories thereunto belonging.

And be it further enacted, by the authority aforesaid, That this Act, and all and every the matters and things therein contained, be, and shall for ever be, holden and adjudged to be a fundamental and essential part of any Treaty of Union to be concluded between the said Two Kingdoms; and also, that this Act shall be inserted in express terms in any Act of Parliament which shall be made for settling and ratifying any such Treaty of Union, and shall be therein declared to be an essential and fundamental part thereof.

N^o I x x.

Act settling the Manner of Electing the Sixteen Peers and Forty-five Commoners to represent Scotland in the Parliament of Great Britain.

February 5, 1707.

OUR SOVEREIGN LADY, considering that, by the twenty-second Article of the Treaty of Union, as the same is ratified by an Act passed in this Session of Parliament upon the sixteenth of January last, it is provided, that, by virtue of the said Treaty, of the Peers of Scotland at the time of the Union, Sixteen shall be the number to sit and vote in the House of Lords, and Forty-five the number of the Representatives of Scotland in the House of Commons, of the Parliament of Great Britain; and that the said Sixteen Peers, and Forty-five Members in the House of Commons, be named and chosen in such manner as by a subsequent Act in this present Session of Parliament in Scotland should be settled; which Act is thereby declared to be as valid, as if it were a
part

part of, and ingrossed in, the said Treaty : therefore her Majesty, with advice and consent of the Estates of Parliament, statutes, enacts, and ordains, that the said Sixteen Peers, who shall have right to sit in the House of Peers in the Parliament of Great Britain on the part of Scotland by virtue of this Treaty, shall be named by the said Peers of Scotland whom they represent, their heirs, or successors to their dignities and honours, out of their own number, and that by open election and plurality of voices of the Peers present, and of the proxies for such as shall be absent, the said proxies being Peers, and producing a mandate in writing duly signed before witnesses, and both the constituent and proxy being qualified according to law ; declaring also, that such Peers as are absent, being qualified as aforesaid, may send to all such meetings lists of the Peers whom they judge fittest, validly signed by the said absent Peers, which shall be reckoned in the same manner as if the parties had been present, and given in the said list ; and in case of the death, or legal incapacity, of any of the said Sixteen Peers, that the aforesaid Peers of Scotland shall nominate another of their own number in place of the said Peer or Peers in manner before and after mentioned. And that, of the said forty-five Representatives of Scotland in the House of Commons in the Parliament of Great Britain, Thirty shall be chosen by the shires or stewartries, and Fifteen by the royal burrows, as follows, *videlicet*, one for every shire and stewartry, excepting the shires of Bute and Caithness, which shall choose one by turns, Bute having the first election ; the shires of Nairn and Cromarty, which shall also choose by turns, Nairn having the first election ; and in like manner the shires of Clackmannan and Kinross shall choose by turns, Clackmannan having the first election : and in case of the death or legal incapacity of any of the said Members from the respective shires or stewartries above-mentioned, to sit in the House of Commons, it is enacted and ordained, that the shire or stewartry who elected the said Member shall elect another Member in his place ; and that the said Fifteen Representatives for the royal burrows be chosen as follows, *videlicet*, that the town of Edinburgh shall have right to elect and send one member to the Parliament of Great Britain ; and that each of the other burghs shall elect a Commissioner in the same manner as they are now in use to elect Commissioners to the Parliament of Scotland ; which Commissioners and Burghs (Edinburgh excepted), being divided in fourteen classes or districts, shall meet at such time and burghs within their respective districts as her Majesty, her heirs or successors, shall appoint, and elect one for each district, *videlicet*, the burghs of Kirkwall, Week, Dornock, Dingwall and Tayne, one ; the burghs of Fortrose, Inverness, Nairn and Forres, one ; the burghs of Elgine, Cullen, Bamff, Inverury and Kintore, one ; the burghs of Aberdeen, Inverbervie, Montrose, Aberbrothock and Brichen, one ; the burgh,

of Forfar, Perth, Dundee, Cowper and St. Andrews, one; the burghs of Crail, Kilrennie, Anstruther Easter, Anstruther Wester, and Pittenweem, one; the burghs of Dysart, Kirkcaldie, Kinghorn and Bruntisland, one; the burghs of Innerkeithing, Dumfermline, Queensferry, Culrofs and Stirling, one; the burghs of Glasgow, Rentrew, Rutherglen and Dumbarton one; the burghs of Haddington, Dumbar, North Berwick, Lawder and Jedburgh, one; the burghs of Selkirk, Peebles, Linlithgow and Lanerk, one; the burghs of Dumfries, Sanquhar, Annan, Lochmaben and Kirkcudbright, one; the burghs of Wigtoun, New Galloway, Stranrawer and Whitehern, one; and the burghs of Ayr, Irvine, Rothesay, Campbletoun and Inverary, one. And it is hereby declared and ordained, that where the votes of the Commissioners for the said burghs, met to choose Representatives from their several districts to the Parliament of Great Britain, shall be equal, in that case the President of the meeting shall have a casting or decisive vote, and that by and attour his vote as a Commissioner from the burgh from which he is sent, the Commissioner from the eldest burgh presiding in the first meeting, and the Commissioners from the other burghs in their respective districts, presiding afterwards by turns in the order as the said burghs are now called in the Rolls of the Parliament of Scotland: and in case that any of the said Fifteen Commissioners from burghs shall decease, or become legally incapable to sit in the House of Commons, then the town of Edinburgh, or the district which chose the said Member, shall elect a Member in his or their place; it is always hereby expressly provided and declared, that none shall be capable to elect, or be elected, for any of the said estates but such as are twenty-one years of age compleat, and Protestant, excluding all Papists, or such who, being suspect of Popery and required, refuse to swear and subscribe the *formula* contained in the Third Act, made in the eighth and ninth Sessions of King William's Parliament, intituled, "Act for preventing the growth of Popery;" and also declaring, that none shall be capable to elect, or be elected, to represent a shire or burgh in the Parliament of Great Britain for this part of the United Kingdom, except such as are now capable by the laws of this kingdom to elect, or be elected, as Commissioners for shires or burghs to the Parliament of Scotland. And further, her Majesty, with advice and consent aforesaid, for the effectual and orderly election of the persons to be chosen to sit, vote, and serve, in the respective Houses of the Parliament of Great Britain, when her Majesty, her heirs and successors, shall declare her or their pleasure for holding the first, or any subsequent Parliament of Great Britain, and when for that effect a writ shall be issued out under the Great-seal of the United Kingdom, directed to the Privy Council of Scotland, conform to the said twenty-second article, statutes, enacts and ordains, that, until the Parliament of

Great Britain shall make further provision therein, the said writ shall contain a warrant and command to the said Privy Council to issue out a proclamation in her Majesty's name, requiring the Peers of Scotland for the time to meet and assemble at such time and place within Scotland as her Majesty and royal successors shall think fit, to make election of the said Sixteen Peers; and requiring the Lord Clerk Register, or two of the Clerks of Session, to attend all such meetings, and to administer the oaths that are or shall be by law required, and to ask the votes; and, having made up the lists in presence of the meeting, to return the names of the Sixteen Peers chosen (certified under the subscription of the said Lord Clerk Register, Clerk or Clerks of Session attending) to the Clerk of the Privy Council of Scotland; and likewise requiring and ordaining the several freeholders in the respective shires and stewartries to meet and convene at the head burghs of their several shires and stewartries, to elect their Commissioners, conform to the order above set down, and ordaining the Clerks of the said meetings, immediately after the said elections are over, respectively to return the names of the persons elected to the Clerks of the Privy Council; and, lastly, ordaining the city of Edinburgh to elect their Commissioner, and the other royal burghs to elect each of them a Commissioner, as they have been in use to elect Commissioners to the Parliament, and to send the said respective Commissioners, at such times, to such burghs within their respective districts as her Majesty and successors, by such proclamations, shall appoint, requiring and ordaining the common Clerk of the respective burghs, where such elections shall be appointed to be made, to attend the said meetings, and immediately after the election to return the name of the persons so elected (certified under his hand) to the Clerk of Privy Council; to the end that the names of the Sixteen Peers, Thirty Commissioners for shires, and Fifteen Commissioners for burghs, being so returned to the Privy Council, may be returned to the Court from whence the writ did issue, under the Great-seal of the United Kingdom, conform to the said twenty-second Article: And whereas, by the said twenty-second Article, it is agreed, that if her Majesty shall, on or before the first day of May next, declare that it is expedient the Lords and Commons of the present Parliament of England should be the Members of the respective Houses of the first Parliament of Great Britain, for and on the part of England, they shall accordingly be the Members of the said respective Houses for and on the part of England; her Majesty, with advice and consent aforesaid, in that case only, doth hereby statute and ordain, that the Sixteen Peers and Forty-five Commissioners for shires and burghs, who shall be chosen by the Peers, Barons, and Burghs, respectively, in this present Session of Parliament, and out of the Members thereof, in the same manner as Committees of Parliament are usually now chosen, shall be the Members of the respective Houses of the said first Parliament of Great Britain

for and on the part of Scotland ; which nomination and election being certified by a writ under the Lord Clerk Register's hand, the persons so nominated and elected shall have right to sit and vote in the House of Lords, and in the House of Commons, of the said first Parliament of Great Britain.

N^o K x x.

Thursday, January 7, 1707.

A Protest was given in by George Lockhart of Carnwath, in these Terms.

I George Lockhart of Carnwath do protest for myself, and in name of such other Barons as shall adhere to this my Protestation ; that neither this Vote, nor any other Vote, Conclusion, or Article in this Treaty of Union, shall pre-judge the Barons of this kingdom from their full Representation in Parliament, as now by law established, nor any of their privileges, and particularly their judicative and legislative capacities, of which they are deprived by the terms of this Treaty of Union ; and I crave this my Protestation to be admitted and recorded.

N^o L x x.

And another Protest was given in by the Duke of Athole, in these Terms.

WHEREAS, by my Protest given in the 4th of November last, before voting the first Article of Union, I did reserve liberty to renew protestations against any other Article of the Treaty ; and as I protested for the reasons therein mentioned, so I do now, for myself and all others who shall adhere, protest against any vote for approving the 22d Article of this Treaty of Union, and against all the parts of it, for these reasons, because the Peers of this Realm, who are hereditary Members of her Majesty's Great Council and Parliament, do thereby become elective, and so her Majesty is deprived of her born Counsellors, and the Peers of their birth-right. And whereas they are at present 160 in number, they are by this Article reduced to Sixteen ; which sixteen are to be joined with the House of Lords in England, whose number at present consists

consists of above 180, whereby it is plain, that the Scots Peers' share in the legislative and judicative powers in the British Parliament is very unequal with that of the English, though the one be Representatives of as Free and Independent a Nation as the other, and is therefore a plain forfeiture of the Peccage of this Kingdom. And as it is the height of injustice, and against all the laws and practices of this and all other well-govern'd nations to forfeit any person without a heinous crime; so it is against all law to forfeit either the Peers that are now present, or those that are minors or absent, without being so much as called or cited for that end.

It is likewise contrary to the honour and true interest of her Majesty and the Monarchy, to suppress the estate of Peers, who have formerly been the great supporters of the Monarchy.

And it is dishonourable and disgraceful to this Kingdom, that the Peers thereof shall only have rank and precedency next after the Peers of the like order and degree in England, without regard to their antiquity, or the dates of their patents, as is stipulate by the following articles of this treaty.

In the next place, each shire and royal burgh within this Kingdom have the number of their Representatives determined by Acts of Parliament, whose number at present, being 155, are by this Article of the Treaty reduced to Forty-five, and to be joined to 513 members in the House of Commons, where they can have no influence, by reason of the vast disproportion of their numbers; besides that the Barons and Burrows of this nation, by this way of uniting, are deprived of their inherent right of being fully and individually represented in Parliament, both with relation to their legislative and judicative capacities.

And they are not only highly prejudged in lessening their Representation, but also degraded from being Members of the Parliaments of this kingdom, where they sit as judges in all causes, civil and criminal, to be joined to the Commons of another Nation, who are accustomed to supplicate for justice at the bar of the House of Lords.

The Barons and Burgeses are also further prejudged in this; that whereas every shire and royal burgh have their own Representatives, one Commissioner will, hereafter, represent several shires or burghs, who, it cannot be supposed, will understand the several interests and concerns of the said several shires and burghs whom he may represent.

And, further, for the present Representatives of the Barons and Burgeses to offer, by any vote or deed of theirs, to incapacitate their constituents, or deprive them of any part of their inherent right, is what their Constituents may and do justly disallow, they only having their commissions with the ordinary powers of making and amending laws, and giving supplies, but no ways to alter fundamental constitutions,

constitutions, or to take away or diminish their representation, which is also a plain forfeiture of their constituents of their inherent rights and undoubted privileges, and is contrary to the fundamental laws of this Nation, which are the birth-right of the people thereof.

From all which it is plain and evident, that this, from a sovereign independent Monarchy, shall dissolve its constitution, and be at the disposal of England, whose constitution is not in the least to be altered by this Treaty, and where it is not to be supposed the Scots shall have any weight in the making of laws, even though relative to their own Kingdom, by reason of the vast disproportion and disparity of the Representation aforesaid.

And therefore I do also protest, that no vote may hinder or prejudice the Noblemen, Barons, and Burgeesses, as now represented in Parliament, to retain, bruik, enjoy, and exerce all their rights, liberties, and privileges, as fully and freely as hitherto they have enjoyed them.

And since it evidently appears, not only from the many protests of the honourable and worthy Members of this House, but also from the multitudes of Addresses and Petitions, from the several parts of this kingdom, of the Barons, Free-holders, Heretors, Burgeesses and Commons, and from the Commission of the General Assembly, that there is a general dislike and aversion from the incorporating Union, as contained in these Articles; and that there is not one Address, from any part of the kingdom, in favour of this Union.

I do, therefore, further protest against concluding this and the following Articles of this Treaty, until her Majesty shall be fully informed of the inclinations of the people; that, if her Majesty think fit, she may call a new Parliament to have immediate sentiments of the Union since the Articles have been made publick, where it is hoped they may fall on such methods as may allay the ferment of the nation, satisfy the minds of the people, and create a full understanding betwixt the Two Kingdoms, by an Union upon honourable, just, and equal terms, which may unite them in affection and interest, the surest foundation of peace and tranquillity for both kingdoms: and this my Protestation I desire may be received and insert in the minutes, and recorded in the books of Parliament, as a testimony of my dissent, and the dissent of such as adhere to me.

N^o M x x.

And a Third Protest was given in by the Earl of Buchan, in these Terms.

FOrasmuch as the changing of the right of the Peers of this realm, from a constant and hereditary right to one that is elective, and the debarring all or any of them from taking place, and voting in Parliaments, Conventions, or Publick Councils, is subversive of the birth-right and undoubted privilege of the Peers, dishonourable to the whole Kingdom, and contrary to the fundamental laws and constitutions of it, as well as to all justice and equity; I do therefore protest for myself, and in name of all who shall adhere to this my Protestation, that the foresaid right of the Peers of this Realm to sit and vote in all Parliaments, Publick Councils, and Conventions, do, after the intended Union with England, and notwithstanding thereof, continue in full force, and remain to them as their undoubted right and property; and that no vote, to be passed in this House, do prejudice all or any of them thereof, or debar them from retaining the same in all time coming.

N^o N x x

Another Protest was likewise given in by Walter Steuart, Commissioner for the Burgh of Linlithgow, in these Terms.

I Walter Steuart protest for myself, and in name of all others who shall adhere to this my Protestation, that the restriction of the Representatives in Parliament for this kingdom, as contained in the 22d Article of the Treaty of Union, is contrary to the Birth-right of the Peers, and Rights and Privileges of the Barons, Freeholders and Royal Burrows, and the fundamental laws and constitutions of this nation: And if any vote shall pass, approving the said Article, in the terms that it stands, that any such vote shall not prejudice the Birth-right of the Peers, Rights and Privileges of the Barons, Freeholders, and Royal Burrows, competent to them by the laws and constitution of this Kingdom, and take instruments upon this Protestation, and desires that it may be insert in the Records of Parliament.

N^o O x x.

The 27th February 1706.

*Articles of Union
read.*

That all Laws and Statutes in either Kingdom so far as they are contrary to, or inconsistent with, the Terms of these Articles, or any of them, shall, from and after the Union, cease and become void, and shall be so declared to be by the respective Parliaments of the said Kingdoms.

The question was put, whether this House shall agree with the Committee in this resolution?

It was resolved in the Affirmative.

*I dissent to every
one of the 25 Reso-
lutions, Sta—ll.*

We dissent to the Resolution of passing the last Article, because there being no enumeration of what laws are to be repealed: It is conceived too great a latitude of construction thereupon is left to the judges.

Roch—er.

No—th and Gr—y.

Guil—rd.

Le—gh.

Dissentient to the 9th Resolution.

*I dissent to every
one of the 25 Reso-
lutions. Gra—lle.*

*I dissent to every
one of the 25 Reso-
lutions. Hav—am.*

*I dissent to the 4
last resolutions, hav-
ing not been present
at the passing of
the others. Geo.
B—th and W—lls.*

Because we humbly conceive the sum of 48000*l.*, to be charged on the Kingdom of Scotland, as the quota of Scotland, for a land-tax, is not proportionable to the 4*s.* aid, granted by the Parliament of England: But, if by reason of the present circumstances of that kingdom, it might have been thought it was not able to bear a greater proportion at this time; yet we cannot but think it unequal to this kingdom, that it should be agreed, that whenever the 4*s.* aid shall be enacted by the Parliament of Great Britain, to be raised on land in England, that the 48000*l.*, now raised on Scotland, shall never be increased in time to come, though the trade of that kingdom should be extremely improved, and consequently

consequently the value of their land proportionably raised, which in all probability it must do, when this Union shall have taken effect.

*N—tb and Gr—y, How—d, Roch—r,
G—ford, Le—h.*

Dissentient to the 15th Resolution.

Because we humbly conceive nothing could have been more equal on this head of the Treaty, than that neither of the Kingdoms should have been burdened with the debts of the other contracted before the Union, and if that proposal which we find once made in the minutes of the Treaty had taken place, there would have been no occasion to have employed the revenues of the Kingdom of Scotland towards the payment of the debts of England, those revenues might have been strictly appropriated to the debts of that Kingdom, and to any other uses within themselves as should have been judged requisite, and there would have been then no need of an equivalent of very near 40000 *l.* to be raised on England within this year, for the purchase of these revenues in Scotland, which however it may prove to be but a reasonable bargain upon a strict calculation, there does not seem to have been a necessity just now to have raised so great a sum, when this kingdom is already burdened with so vast ones for the necessary charges of the war.

*Roch—r, N—tb and G—y
L—h, G—ford.*

Dissentient to the 22d Resolution.

Because we humbly conceive, in the first place, that the number of Sixteen Peers of Scotland is too great a proportion to be added to the Peers of England, who very rarely consists of more than 100 attending Lords in any one session of Parliament; and for that reason we humbly apprehend such a number of Sixteen may have a very great sway in the resolutions of this House, of which the consequences cannot now be foreseen.

*I dissent to every
one of the 25 Reso-
lutions. Beau—t.*

*I dissent to the
1, 4, 5, 6, 9, 15,
18, 19, 21, 22, 23,
25th, Resolutions.
Abing—n.*

In the second place, we conceive the Lords of Scotland, who, by virtue of this Treaty, are to sit in this House, being not qualified as the Peers of England are, must suffer a diminution of their dignity to sit here on so different foundations, their right of sitting here depending entirely on an election, and that from time to time, during the continuance of one Parliament only; and at the same time we are humbly of opinion, that the Peers of England, who sit here by creation from the Crown, and have a right of so doing in themselves, or their heirs by that creation, for ever, may find it an alteration in their Constitution, to have Lords added to their number to sit and vote in all matters brought before a Parliament, who have not the same tenure of their seats in Parliament as the Peers of England have.

*N——b and Gr——y, Buck——am,
Le——b, Rob——r, Guil——d.*

Die Martis 4^o Martii.

Hodie 3^a vice lecta est Billa, intituled, Act for an Union of the Two Kingdoms of England and Scotland.

Then a Rider was offered to be added to the bill, which was read as follows, viz.

Provided always, that nothing in this Ratification contained shall be construed to extend to an approbation, or an acknowledgment, of the truth of the Presbyterian way of worship, or allowing the religion of the Church of Scotland to be what it is styled, “The True Protestant Religion.”

And it being proposed that the same be read a second time, and the debate thereupon, the question was put, Whether this rider shall be read a second time?

It was resolved in the negative.

Dissentient.

*Beau——t, Buck——am, N——b and G——y, Angl——y, Northam——n,
Abing——n, Winch——ca, Noting——m, Geo. B——th and W——lls, Tha——t,
Gra——lls, Sta——ll, Guern——y, Wey——th, Guil——d, L——b.*

The

The question was put, Whether this bill shall pass? It was carried in the affirmative.

Dissentient.

*Not——m, Angl——y, Tha——t, Winck——a, Northam——n, Scarf——le,
Weym——b, Guer——y.*

Because the Constitution of this Kingdom has been found so very excellent, and therefore justly applauded by all our neighbours for so many ages; so that we cannot conceive it prudent now to change it, and to venture at all those alterations made by this bill, some of them especially being of such a nature, that as the inconvenience and danger of them (in our humble opinion) is already but too obvious, so we think more proper and decent to avoid entering further into the particular apprehensions we have from the passing this law.

Beau——t, Buck——m, Sta——ll, Gutl——d, Gran——e, Le——b.

N^o A 3.

To the Right Honourable the Convention of Royal Burrows, the Petition of the Merchants, Owners of the Ships and Cargoes, now arrived at London and other Ports of England,

Humbly Sheweth,

THAT whereas we under subscribing, having upon the faith of the Treaty of Union sent from Scotland to England several goods and merchandize, allowed to be imported to Scotland, before commencement of the Union, and which were entered and paid her Majesty's duties, and for which, before transportation, we obtained coasting cocquets (a copy whereof, as approved by the Attorney-general at London, was transmitted to the Lords of Treasury here, and delivered by them to the officers of her Majesty's customs), upon which we had good ground to rest secure; yet, to our great surprize, we have information, that not only our ships and goods are seized, but the goods themselves made havock of and imbezled (expressly contrair to the Articles of Union), our seamen impress, and our ships thereby rendered useless, which treatment is so unsupportable, that all these promised advantages by the Union are like to be so many traps to insnare us, which in the end must turn to our inevitable ruin; for, if our

effects be seized, and our ships laid up, and taken from us by violence, where shall we have any hopes left us for trade?

These our grievances we have thought fit to lay before your Honours the Representatives of the Royal Burrows in Convention assembled, that you, in your prudence, may address her Majesty in such Terms as the present emergent of so much import and concern to the Nation doth require.

May it therefore please your Honours seriously to consider of what we have above represented, and to lay our case before her Majesty.

N^o B 3.

A Copy of the Address of the Royal Burrows to Her Majesty.

To the Queen's most excellent Majesty.

WE your Majesty's most loyal and dutiful subjects, the General Convention of the Royal Burrows, in this part of your Majesty's United Kingdom called Scotland, do most humbly represent, that, having received several grievous complaints from the Trading Merchants, how that they upon the faith of the late Treaty of Union, betwixt the Two Kingdoms, ratified in both their Parliaments, have from several ports of Scotland sent to London, and several ports in England, goods and merchandize, allowed to be imported to Scotland, and actually there imported before the Union, for which they not only paid your Majesty's duty, but being resolved, upon the faith of the said Treaty, to send them to England, after due deliberation, they by warrant from England received coast-coquets and other ordinary documents from your Majesty's Commissioners of the Customs lately established, and did also, to cut off all pretext, make faith before the Lords of Your Majesty's Treasury and Exchequer, and other Judges, that the goods were imported upon their own proper account, and upon their own proper risk.

Notwithstanding whereof, they have very surprizing accounts from their correspondents in England, that the Commissioners of your Majesty's Customs there have given orders to seize their ships and goods, and that some of them are actually seized, and others both seized and imbezzled, and that the best conditions, they can obtain from your Majesty's said Commissioners in England, are,

that they should give security or bail in some cases for ship and cargo, and in other cases for paying new and high duties, at the determination of the British Parliament: all which being in our humble apprehension nothing agreeable but contrary to the faith of the said Articles of Treaty, and a manifest disappointment of these advantages and encouragements, that we still did, and do firmly promise ourselves from your Majesty's royal Justice, and most gracious Government, and with all such visible hardships as must be the loss, and even the ruin, of many honest traders, who cannot bear their ships and goods to be thus incumbered by bail and law-suits, or double and high duties, and withal subjected to the delay and hazard of uncertain determination:

We cannot but in the greatest submission whereof we are capable, and with a yet greater confidence of your Majesty's royal justice and goodness, whereof we have had so great and innumerable proofs, lay the case before your Majesty as it is, viz. That, by the first Article of the Treaty of Union, the Two Kingdoms are for ever united into One after the first of May last, which plainly, after that day, excludes the very notion of importation or importers betwixt them, and all former restrictions and penalties imposed thereupon: And, by the fourth Article, it is agreed, that all the subjects of the said United Kingdom shall, from and after the Union, have full freedom and intercourse of trade to and from any port or place within the said United Kingdom, and that there be a communication of all other rights and privileges which do, or may, belong to the subjects of either Kingdom; by which it is plain, that we have the same privilege to transport our effects, notwithstanding of former restraints, from one part of Britain to another, which your Majesty's subjects of Berwick, Newcastle, Bristol, &c. do enjoy, in importing now to Scotland, without any control, all such goods, both of English and foreign manufacture and growth, as were before the Union expressly prohibited by our laws: And farther, by the twenty-fifth and last Article of the said Treaty, it is by Statute enacted, that all Laws and Statutes in either Kingdom, so far as they are contrary to, and inconsistent with, the Articles of the Union, shall from and after the Union cease and become void; whereby it evidently appears, that the prohibitions and restrictions that might have been of force on either side, while we were separate kingdoms, are now made void and for ever to cease.

Being then founded upon such clear and evident grounds, and yet much more upon the assuring experiences that we have always had of your Majesty's justice, equity, and unparalleled goodness; we do, with all submission and humility, beseech and obtest your Majesty, that you would be pleased to give such orders to your High Treasurer, and Commissioners of Customs, and others in England, that the afore said heavy and vexatious grievances may be remedied and removed, that so the hearts and interests of all your good subjects may be united to your Majesty's satisfaction and perpetual glory.

N^o C 3.

The Clause proposed in the English Parliament, to prevent the French Goods being imported through Scotland.

AND whereas it is well known, that, in divers foreign parts, great quantities of goods and merchandizes have lately been shipt, and are now shipping, with intention to be carried to Scotland, and to be imported there, paying only the low duties in that Kingdom, before the first day of May, 1707, but with a manifest design to have the same brought coast-wile, after the said first day of May, from that part of Great Britain now called Scotland, to that part of Great Britain now called England, Wales, or the Town of Berwick upon Tweed, without paying the high duties which are now payable in England, and which, after the said first of May, will be also payable in the whole United Kingdom of Great Britain for the like goods imported there, which practice, if it be not timely prevented, does apparently tend, not only to her Majesty's damage in her revenue, but to the ruin or impoverishment of many fair traders, who have stocks of such commodities in either of the said Kingdoms, by giving unreasonable advantages to foreigners: Be it therefore enacted, by the authority aforesaid, that all goods and merchandize imported, or to be imported, into Scotland, between the first day of February to the said first of May, 1707, from any foreign parts beyond the sea, and shall after the said first day of May be brought by sea or land into England, Wales, or the Town of Berwick upon Tweed, unless such goods or merchandizes were shipt from any such foreign parts as aforesaid, for the sale, account, and risque, of some of her Majesty's natural-born subjects of Scotland, and be afterwards brought from Scotland to England, Wales, or Town of Berwick upon Tweed, as aforesaid, upon the like account and risque, and unless such respective goods and merchandize, from the time they were shipped in foreign parts, till the time they were brought into England, Wales, or Berwick, by the way of Scotland, as aforesaid, did wholly and *bona fide* belong to some of her Majesty's said subjects of the Kingdom of Scotland, as the owners thereof shall be chargeable with, there shall be paid or secured for the same so much money as, together with the monies which shall have been actually paid upon the importation into Scotland, shall compleat all the subsidies, impositions and other duties which are to be paid or secured for the like goods or merchandize, in case they were imported directly into England before the said first day of May.

And

And in case such Goods and Merchandize be so brought in and landed before such payment made, and security given (as the case requires), the goods so landed shall and may be seized, and the same and the Importers thereof be liable to such Penalties and Forfeitures as by the laws of England are prescribed for landing the like goods without paying or securing her Majesty's duties, or for defrauding her Majesty thereof; and, if any doubt or question shall arise, whether the goods and merchandize so brought in, or any of them, were brought from foreign parts by the way of Scotland for the sale, account, and risque of some of her Majesty's subjects of that kingdom, within such days and times as aforesaid, or were their property in such manner as aforesaid, the *onus probandi* shall lie upon the person or persons that shall claim the said goods and merchandize, and not upon the seizer, informer, or prosecutor.

N^o D 3.

The Humble Address of the Scots Merchants at London, to the Right Honourable the Lords Spiritual and Temporal assembled in Parliament, against passing the Bill for laying Duties upon Goods which may be brought by her Majesty's Subjects from Scotland to England after the commencement of the Union.

BY the Articles of Union, most solemnly ratified in Scotland and England, it is expressly declared, That, from and after the first of May 1707, the Two Kingdoms shall be united into One, called Great Britain, and that all the subjects of either Kingdom shall have full freedom and intercourse of trade and navigation to and from any port or place within the said United Kingdom, and that there shall be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either Kingdom.

It is humbly conceived, that the bill now before your Lordships is directly contrary to these Articles of Union; for nothing can be a greater hindrance to the freedom and intercourse of Trade than the laying such high duties on goods brought from Scotland to England as are by this bill intended to be imposed on her Majesty's English subjects, and the Scots residing here, whereby they are deprived of their just right of bringing goods from Scotland to England by transire duty-free, which is plainly granted to them by the fourth Article of Union, &c.

The

The exception in this bill, pretended to be in favour of the natives of Scotland residing there, destroys their privileges also, because it only allows them to bring such goods, duty free, into England, after the Union commences, as have been before that time laden beyond seas, and imported into Scotland on their own accounts, but not to bring any such as they have bought, or may buy, at their own markets, whereby this retrospective bill will stop the circulation of trade, and entail ruin on all the traders in Scotland, by confining such quantities of goods to that part of Great Britain as will exceed the consumption thereof.

The Scots being also hindered by this bill from bringing, duty-free, unto England, any goods imported into Scotland before the first of May, whereof they have not been the sole proprietors from the time they were first shipped off beyond seas for Scotland until brought into England, they will be prevented from bringing their own parts of any goods wherein the English had any share at the time of importation into Scotland.

And, a particular hardship to the Scots, the bill imposes on them the unsupportable *onus probandi*, whereby they will be obliged to prove their sole property from the time of buying the goods beyond seas to their arrival in England, in order whereto their factors, mariners, coopers, warehouse keepers, porters, and a great number of other servants, must be all produced together at the Exchequer bar, and all maintained during their voyages and journies, and abode in London; so that the evidence, necessary on this occasion, will cost at least 300 *l.* sterling for each parcel of goods, besides all the delay and vexation of a tedious course of law, and the severe penalties in case they should, by one neglect or misfortune, fail in the least particular of an absolute proof.

This bill will not answer the proposed end of advancing her Majesty's revenues, but seems to be founded on mistaken notions of trade, since, after the Union commences, the disadvantages or conveniences to Great Britain will be equal, whether the goods then in Scotland remain, and be consumed in that or any other part of the United Kingdom.

The allowances granted in some Articles of the Union, whereby the regulation of minute circumstances is left to the Parliament of Great Britain, seems to be an unanswerable argument that, where no such liberty is given, even the Parliament of Great Britain was not intended to have the power of making any alterations or regulations; and as the last Article of the Union confirms the whole by repealing all laws in either Kingdom which are contrary to the Articles, this bill, if it should pass into an Act, and all other laws, being inconsistent with the Articles or any of them, will, as it is humbly conceived, be void after the first of May.

This

This bill differs little from the former sent up to your Lordships last Session, which your Lordships did not then think fit to pass.

Therefore it is hoped that your Lordships will not pass this Bill, being, as is humbly conceived, more injurious than the former, and which can only serve to advance distinctions and animosities between the Subjects of Scotland and England, and prevent that Union of Hearts which her Majesty so graciously recommended from the Throne.

* * * Note, This Bill is unnecessary in reference to Foreigners, who can have no benefit nor share in the communication of Trade and Privileges mentioned in the 4th Article of Union, the same being thereby prudently restricted to the Subjects of both Kingdoms.

N° E 3.

Observations upon the Fourth Article of Union.

I. **E**QUITY and reason places the Subjects of the same Kingdom on equal foot, when they are cemented together in Affection, Laws, Trade, and Interest: this will be the case after the Union, when agreements on each side are fulfilled; but when England and Scotland were separate, they who submitted proposed the Terms and Equivalents of an Union; and when these are granted and agreed, should be honourably maintained with the greatest nicety and favourable interpretation to the weakest. The reputation of England abroad is founded on the stability of their Treaties, as much as on the strength of their Arms, Treasure, or Constitution.

With the same strength of reason and equity may the Scots desire that Englishmen, since February last, should be subject to the *onus probandi*, for Goods in their possession, imported by foreigners, or for account of foreigners under covert.

By the same rule of reason, that the English require an augmentation of Duties on Goods imported into England, may the Scots desire that Goods in England should be taxed with Scots Duties, and then both Kingdoms would be on equal terms.

The establishment of the Union was a communicatory contract, agreed and fixed by persons equal in knowledge and freedom of will. The matter in debate was proposed, argued, and covenanted; afterwards confirmed, in the most

solemn and authentick manner, by the Parliaments of both Kingdoms, and cannot now legally, and in a decent or friendly manner, be touched or amended in any point but by the Parliament of Great Britain, who are the competent judges of the rights, privileges, and conveniences of the United Kingdoms; when the general good, safety, and interest, of the whole will, with its natural weight, sway the balance of Equity; when England will have no reason to repine at any accidental advantage which Scotland may get by the Union at its commencement, since it will not only enable, but encourage, that part of the United Kingdom to undergo with chearfulness their future restrictions and taxes.

II. To the second reason the answer is plainly obvious, that the Sixth, Seventh, Fifteenth, and Eighteenth Articles of the Union, were consented to by Scotland, in consideration of an Equivalent; and the sense of the Commissioners, on the point of Customs, is more fully explained in the Fourteenth Article of Union, *viz.* “That the Kingdom of Scotland shall not be charged with any Duties laid on by the Parliament of England before the Union, except these consented to in this Treaty.”

Certainly the Scots never expected, that, in the interval between the ratification of the Articles and the commencement of the Union, the Parliament of England would have laid the *onus probandi* upon the Subjects of Scotland, and for a time so far backward; nor that a greater proof for the property of Goods should be required from the Subjects of Scotland than what is stipulated for justifying their interest in shipping by the Fifth Article of Union, by which they are free from all perplexing trials at the Exchequer bar, and are treated therein as friends and men of probity, by referring the proof of their interest to their proper oath, to be taken in the port next to the abode of the owner. This shows that the Scots never would have consented to undergo the *onus probandi* in England, for any Goods in their possession, belonging to them at or before the Union.

It was absolutely impossible to attain this Union without a free communication of Trade; and, in consequence, as absolutely impossible to hinder the Scots from trading, as Scotsmen, in their own Kingdom, until the Union commences; or from trading afterwards, as Britains, when the Union takes place. To deny them the first privilege is to take away their birth right; and to debar them from the latter advantage would be a grievous detriment, and a sensible injury, because it touches their property at present, and weakens their hopes of advantage in future by the Union; at least it will make them think their title precarious and uncertain.

After the first of May, 1707, when the Union is to commence, the Goods then brought from Scotland to England, and *vice versa*, cannot in any sense be

said to be either exported or imported; seeing, whether by land or water, they will only be carried from one place to another within the same Kingdom: and therefore this matter can no ways be comprehended under the Sixth Article.

III. To the third reason, That the fair Traders of England will be great sufferers, &c. it may be answered, That a certain sort of fair Traders, commonly distinguished by the character of well-meaning F——s, are greater sufferers daily, by the cunning contrivances of stock-jobbers, and other over-reaching practices in Commerce, they would not censure a man who can take up money at 4 *per cent.* from private persons, and at the same time can lend it to the Government at 8 *per cent.* If by the fair Traders be meant the Wine-merchants or Vintners, those who know their method of management will admire how they have gained this character: allowing it, however, to them for once in complaisance, their damage will be as soon forgot as the loss of a ship is on the Exchange; and their loss will be recompensed by a publick advantage, which happens but once, and will be of very short continuance. The Nobility and Gentry of England may drink the Queen's health, and prosperity to the Union, in a glass of claret at 2 *s.* 6 *d.* *per* quart, on which the best of the Nation saves 2 *s.* seeing the Vintner sells his mixed liquor at 4 *s.* 6 *d.* The Scots Merchant or Importer from Scotland cannot gain nor save by his sale one-fourth part of what the English Nation does; and the proportion will hold the same upon whatever quantities of Goods are imported from Scotland, if it were possible, to the value of a million of money. The Nation of England, in this time of jubilee, will be by far the greatest gainer. If the sole profit redounds wholly to the Scots Merchants, or to the Importers from Scotland, then the price of Goods will be kept at their present height, and the fair Traders of England cannot lose by the stocks of Goods now on their hands.

IV. That the Revenue of the Customs will be very much diminished, may be answered, That this is not a real loss, but accidental and imaginary; for without the Union and Freedom of Commerce, those Goods would not have been imported; and I am persuaded, the Queen would rather lose the value of the Goods imported, than suffer the foundation of the Union to be undermined, or her Subjects in Scotland to undergo hardships from which, in virtue of this Union, they may so reasonably expect an exemption: and, I believe, all her Majesty's friends and well-wishers to Great Britain will cordially praise her sentiments, and readily concur in suspecting the assertions of some gentlemen as to the quantities of Goods expected from Scotland. These very persons would not be afraid of finding money, in a day's time, to purchase the whole at prime-cost, and to put themselves in place of the Scots: then they would cry up the Union as sacred,

as the firmest foundation of our Constitution, and would severely censure the least encroachment.

V. To the fifth and most important reason, The promoters of the bill are great men in their way, but in comparison with Great Britain like two drops of water to the Ocean; and in their greatest splendour are only valuable so far as they are useful to the common good: It is humbly conceived, every prudent man will conclude it is better to let a few men grumble than to disgust a Kingdom and the best of Queen's, by endangering the Constitution of Great Britain.

N^o F. 3.

Commission and Proclamation naming Justices of Peace within Scotland.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, to our Lyon King at Arms, and his brethren Heralds, Macers of our Privy Council, Pursuivants, Messengers at Arms, our Sheriffs in that part, conjunctly and severally, specially constitute, greeting: forasmuch as the appointing of Justices of the Peace, in that part of our Kingdom of Great Britain called Scotland, will contribute to the Peace, Quiet, and good Government thereof, and to the speedy and impartial execution of Law and Justice to all persons subjected to their power and jurisdiction; therefore, and for the furtherance of these ends, we, with advice of the Lords of our Privy Council in Scotland, do hereby nominate, constitute, and appoint, the persons after set down, for the respective Shires and Burghs after-mentioned, to be Justices of the Peace within the same, in manner and to the effect after expressed, giving, granting, and committing, to the said persons and their quorum, appointed by the Act of Parliament one thousand six hundred and sixty-one, within their respective bounds, full power, warrant, and commission, to exercise the office and offices of Justices of the Peace, and to do, use, and practise whatever to that trust doth appertain by the Laws and Acts of Parliament of Scotland; and more especially by the thirty-eighth Act of the Parliament, one thousand six hundred and sixty-one years, intituled, "Commission and Instructions to the Justices of the Peace and Constables;" and which instructions are here held as repeated; as also to do, use, and exercise, whatever doth appertain to the said office and trust by virtue of the Laws and Acts of Parliament made in England before the Union, more particularly so far as the same may concern the office or duty of Justices of the Peace in the respective bounds, in all matters relating to our Customs and Excise, for the better observation of the Articles of the Union in all points; as also with full power to the said Justices of Peace and their *quorum* foresaid, to appoint

appoint Constables conform to the said Act of Parliament, one thousand six hundred and sixty-one, within their respective bounds, and according to the tenor and instructions set down therein for Constables in all points, the said Justices of the Peace, and their Clerks respective, taking and swearing the oath of Allegiance, and subscribing the same, with the assurance, as also taking the oath *de fidei administratione* at their first meeting, which is hereby declared to be upon the second day of September next to come for all these below the water of Tay, and upon the sixteenth day of the said month of September next, for all these above the said water of Tay, at the head Burghs of the respective Shires and Stewartries above-mentioned; likeas, they are hereby ordained to report their said taking and swearing the oath of allegiance, and subscribing the same, with the assurance, to the Clerk of our Privy Council in Scotland within ten days thereafter: and it is hereby provided, that this our Commission, granted to the said Justices, and each of them, within their respective bounds as aforesaid, is only to endure during our pleasure, and until we shall recall the same: likeas, it is further provided and declared, that it shall be always leifom to us to add to the number of Justices of Peace within the respective bounds aforesaid, by a Letter or Warrant under our Royal hand, such persons as we shall from time to time think fit; which persons, so to be added, shall have the same power and authority as if their names were expressly contained in this our Commission and Proclamation; as likeways, reserving to us our full power to remove or suspend any of the said Justices of Peace from their said trusts and employments, by a Letter or Warrant under our Royal hand: and, lastly, we, with advice aforesaid, do hereby declare all former Commissions to Justices of Peace preceding the date hereof to be void and null. Our will is herefore, &c.

N^o E. 3.

Copy of her Majesty's Commission to the Justices of Peace of Edinburgh Shire, with the Powers and Instructions to the whole Justices in North Britain.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. to our dearest Husband George Prince of Denmark, the most reverend Father in Christ and our faithful Counsellor Thomas Archbishop of Canterbury, Primate of all England and Metropolitan thereof, our well-beloved and faithful Counsellor William Lord Couper Chan-
cellor

cellor of Great Britain, &c. Know ye, that we have made and assigned you, conjunctly and severally, and each one of you, our Justices for preserving the Peace in our Shire of Edinburgh, and to the keeping of the whole Acts, Laws, and Statutes, for the good of our People and keeping thereof; and for the quiet Rule and Government of our people in all and sundry articles thereof within your said Shire, as well within the Liberties as without the same; and for the keeping and making the same to be kept, according to the strength, form, and effect of the said Laws, and for the chastising and punishing delinquents or transgressors of the foresaid Customs, Laws, and Statutes, or any of them, within your said Shire, according and conform to the Custom, Laws, and Statutes, made or to be made; and for making all those who do menace or threaten one another of our People of their bodies, or of burning their houses, find sufficient security to the Peace; and that ye cause them come before you or any of you for that effect; and if they shall refuse to find such security, then you shall cause them be kept safely in our Prisons until they find the said security; as also, we have given to you, and each two or more of you, of whom any of you above-named, George Prince of Denmark, the Archbishop of Canterbury, Chancellor of Great Britain, &c. we will to be one of our Justices for inquiring conform to the Law and Custom of the Land, concerning all and whatsoever Felonies or capital Crimes, Witchcrafts, Inchantments, magical Arts, Sorceries, Transgressions, Forestallings, Regratings, Ingrossings, and Extortions whatsoever, and all and every other malefices and Offences, concerning which the Justice of our Peace may lawfully inquire into, or ought to inquire into, by whomsoever or whatsoever persons within the said Shire the same be acted or done, or which hereafter shall happen there to be done or attempted; as also concerning all those who within the said Shire shall either go or ride armed in Conventicles contrary to our Peace, in molestation of our People, or hereafter shall presume so to go or ride; as also, concerning all those who there lie in wait for hurting, demembrating, or killing of our subjects, or who hereafter shall presume to lie in wait; as also, concerning all Inns and Publick-houses, and all and sundry other persons, who have transgressed in abusing of Weights and Measures, or in sale of Victuals, contrary to the Form, Laws, and Statutes, or any of them, made for the common good of our People, or concerning them who have attempted to transgress, or hereafter shall presume to transgress and attempt the same; and sicklike concerning whomsoever Sheriffs, Baillics, Stewarts, Constables, Keepers of Gaols, and other Officers, who unduly behaved themselves in the execution of their Offices concerning the Premises, or any part thereof, or who shall hereafter presume to behave themselves unduly, or who have been mean, remiss, or negligent, or for hereafter shall happen to be so within your said Shire; and
concerning

concerning all and sundry articles and circumstances, and other things whatsoever, done or perpetrated by whomsoever or whatsoever persons in your said County, or which shall happen to be done or attempted for hereafter, concerning the full truth of whatsoever sort of the premisses, or any of them, and to look into whatsoever Indictments or Libels made, or to be made, before you, or any of you, or made and taken before the late Justices of our Peace within the said Shire, and not yet determined: as also to processes thereupon concerning all and sundry such Indictments and Accusations, or by making and compelling them who shall happen hereafter to be indicted or accused before you, until they be taken, and deliver themselves, or be outlawed or denounced Rebels, and to hear and determine all and sundry Felonies, capital Crimes, Witchcraft, Inchantments, magical Arts, Sorceries, Transgressions, Foretellings, Regratings, Ingrossings, Extortions, Conventicles, Indictments, and, moreover, all and sundry others the Premises, conform to the Laws and Statutes of the Kingdom, as the same used to be in the like cases; and for chastizing and punishing the same Delinquents, and each of them, in their own crimes by fines, redemptions, amerciaments, and out-laws, or any otherwise accustomed to be, or ought to be, conform to the Law and Consuetude of the Land, or the Form, Law, and Statute of the same: Providing always, that if any difficulty shall happen to arise at determining of any of the Premises, before you, or any two or more of you, then you shall not proceed in it to give judgment, except in the presence of one of our Lords of Justiciary, or one of our Justiciary holding the Circuit Courts assigned in your said County: and therefore we charge you, and every one of you, that you diligently attend concerning the keeping the Peace, Laws, and Statutes, and whole other Premises; and that you, or any two of you, or more, appoint for that end certain times and places, and diligently make enquiry in the Premises, and hear and determine all and sundry the Premises, and make and cause these things to end and be fulfilled according to the foresaid form made thereanent, which pertains to the Justices of Peace, conform to the Law and Consuetude of the Land. Reserving to us the amerciaments and others arising to us therefrom, we, be the tenor hereof, charge you, our Sheriffs of Edinburgh, that at such certain days and places as two or more of the said Justices shall acquaint you of, you cause so many and such honest and lawful men of your Shire, as well within the Liberties as without the same, come before you the said Justices, or any two or more of them, as said is, by whom the verity of the matter in the Premises may be the better known and determined; and we also charge our Custos Rotulorum, or Keeper of the Rolls of our Peace within the said Shire, that he cause short precepts or minutes of Processes or Indictments come before you at the said days
and

and places, that they may be enquired into, and duly ended and determined, as said is. In testimony whereof we have made thir presents patent, witness myself at Westminster, the 13 of May, and of our reign the 7 year.

Sic Subscribitur, WRIGHT.

N^o H. 3.

Anno Sexto Annæ Reginae.

An Act for rendering the Union of the Two Kingdoms more intire and complete.

WHEREAS, by her Majesty's great wisdom and goodness, the Union of the Two Kingdoms hath been happily effected, and the whole Island is thereby subject to One Sovereignty, and represented by One Parliament: to the end therefore that the said Union may be rendered more complete and intire, be it enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that from and after the first day of May, in the year of our Lord one thousand seven hundred and eight, the Queen's Majesty, her Heirs and Successors, shall have but One Privy Council in or for the Kingdom of Great Britain, to be sworn to her Majesty, her Heirs and Successors, as Sovereigns of Great Britain; and such Privy Council shall have the same powers and authorities as the Privy Council of England lawfully had, used, and exercised, at the time of the Union, and none other.

And to the end the publick peace may be in like manner preserved throughout the whole Kingdom, be it further enacted, by the authority aforesaid, that in every Shire and Stewartry within that part of Great Britain called Scotland, and also in such Cities, Boroughs, Liberties, and Precincts, within Scotland, as her Majesty, her Heirs or Successors, shall think fit, there shall be appointed by her Majesty, her Heirs or Successors, under the Great Seal of Great Britain, a sufficient number of good and lawful men to be Justices of the Peace within their respective Shires, Stewartries, Cities, Boroughs, Liberties, or Precincts, which persons, so appointed, over and above the several powers and authorities vested in Justices of the Peace by the laws of Scotland, shall be further authorized to do, use, and exercise, over all Persons within their several bounds, whatever doth appertain to the office and trust of a Justice of Peace, by virtue of the

Laws

Laws and Acts of Parliament made in England before the Union, in relation to or for the preservation of the public Peace; provided, nevertheless, that, in the Sessions of the Peace, the methods of tryal and judgments shall be according to the Laws and Customs of Scotland.

Provided that nothing in this Act contained shall be construed to alter or infringe any Rights, Liberties, or Privileges, heretofore granted to the City of Edinburgh, or to any other Royal Borough, of being Justices of the Peace within their respective bounds.

And whereas by an Act made in Scotland, in the third Session of the second Parliament of the late King Charles the Second, intituled, “An Act concerning the Regulation of the Judicatures,” several good and wholesome provisions were made concerning the Justice-Court, and amongst others it was thereby enacted, that once a year Circuit-Courts should be kept at the time and places in the said Act mentioned: Now, for the better and speedier administration of Justice and further preservation of the publick Peace in that part of the Kingdom of Great Britain called Scotland, be it also enacted by the authority aforesaid, that for the future twice in the year, that is to say, in the months of April or May, and in the month of October, Circuit-Courts shall be kept in the several places in the said Act mentioned, and in manner and form as in the said Act contained.

And for the more uniform and exprefs method of electing and returning Members of Parliament, be it likewise further enacted by the authority aforesaid, that, when any Parliament shall at any time hereafter be summoned or called, the Forty-five Representatives of Scotland in the House of Commons of the Parliament of Great Britain shall be elected and chosen by authority of the Queen’s writs, under the Great Seal of Great Britain, directed to the several Sheriffs and Stewarts of the respective Shires and Stewartries; and the said several Sheriffs and Stewarts shall, on receipt of such writs, forthwith give notice of the time of Election for the Knights or Commissioners for their respective Shires or Stewartries; and at such time of Election the several Freeholders in the respective Shires and Stewartries shall meet and convene at the Head-Burghs of their several Shires and Stewartries, and proceed to the Election of their respective Commissioners or Knights for the Shire or Stewartry; and the Clerks of the said meetings, immediately after the said Elections are over, shall respectively return the names of the persons elected to the Sheriff or Stewart of the Shire or Stewartry, who shall annex it to his writ, and return it with the same into the Court out of which the writ issued: and as to the manner of Election of the Fifteen Representatives of the Royal Boroughs, the Sheriff of the Shire of Edinburgh shall, on the receipt of the writ directed to him, forthwith direct his precept to the Lord Provost of Edinburgh, to cause a Burgefs to be elected

for that City ; and, on receipt of such precept, the City of Edinburgh shall elect their Member, and their common Clerk shall certify his name to the Sheriff of Edinburgh, who shall annex it to his writ, and return it with the same into the Court from whence the writ issued : and as to the other Royal Burghs, divided into fourteen Classes or Districts, the Sheriffs or Stewarts of the several Shires and Stewartries shall, on the receipt of their several writs, forthwith direct their several precepts to every Royal Borough within their respective Shires or Stewartries, reciting therein the contents of the writ, and the date thereof, and commanding them forthwith to elect each of them a Commissioner, as they used formerly to elect Commissioners to the Parliament of Scotland, and to order the said respective Commissioners to meet at the presiding Borough of their respective District (naming the said presiding Borough) upon the thirtieth day after the day of the teste of the writ, unless it be upon the Lord's-day, commonly called Sunday, and then the next day after, and then to choose their Burgesses for the Parliament : and the common Clerk of the then presiding Borough shall, immediately after the Election, return the name of the person so elected to the Sheriff or Stewart of the Shire or Stewartry wherein such presiding Borough is, who shall annex it to his writ, and return it with the same into the Court from whence the writ issued : and, in case a vacancy shall happen in time of Parliament, by the decease or legal incapacity of any Member, a new Member shall be elected in his room, conformable to the method herein before appointed ; and, in case such such vacancy be of a Representative for any one of the said Fourteen Classes or Districts of the said Royal Boroughs, that Borough, which presided at the Election of the deceased or disabled Member, shall be the presiding Borough at such new Election.

Provided always, that, upon the issuing of writs of summons for the electing of a Parliament, if any Shire or Stewartry, wherein a Royal Borough is, hath not then a turn or right to elect a Commissioner, or Knight of the Shire or Stewartry for that Parliament, that then it shall be omitted out of the writ directed to such Sheriff or Stewart, to cause a Knight or Commissioner for that Shire or Stewartry to be elected for that Parliament.

N^o I 3.

A Proclamation concerning English Coin.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, to our Lyon King at Arms, and his brethren Heralds, Macers of our Privy Council, Messengers at Arms, our Sheriffs in that part, conjunctly and severally, specially constitute, greeting: Forasmuch as, by the sixteenth Article of the Treaty of Union betwixt the Two Kingdoms, it is provided, that, from and after the Union, the Coin shall be of the same standard and value throughout the United Kingdom as now in England; and, &c. [a declaration of the Parliament's approbation, and in what terms following]: that therefore we, with advice of our Privy Council, have appointed, and hereby appoint, the places and persons entrusted, and the day and time ordered by the said remit of Parliament, to be as follows, *viz.* the towns of Edinburgh, Glasgow, and Aberdeen, to be the places for telling in of the said money; and that at the Town of Edinburgh there be three tables and distinct offices for receiving in of the money; one in the Inner-house, where the Lords of Session are in use to meet; another in the laigh Council-house, where the Magistrates of Edinburgh were in use to meet; and the third in the New-room, for the meeting of the Burrows on the Low Exchange; and that each of the said tables be attended with a sufficient number of Tellers and Clerks for writing certificates, to be appointed by the Magistrates of Edinburgh; and further, that, at each Office or Table, there be present one of the Lords of our Privy Council, and one of the said Magistrates; as also, that one of the said Lords, and one of the said Magistrates, with a sufficient number of Tellers, and a Clerk, go to the Bank-office for telling the English Silver-money in the Bank; as likewise, that at Glasgow and Aberdeen there be competent Tellers kept at the respective Council-houses of the said Burghs, attended by sufficient number of Tellers and Clerks; and that the Magistrates of the said Burghs respectively, at least three of them, be present at the receiving and telling in of the said money; and that the day for telling the said money be the seventeenth day of April next to come; and that the attendance begin, at the respective places above-mentioned, at six in the morning, and continue till twelve a clock; and to begin again at two in the afternoon, and continue till six in the evening the said day; at which times and places, all persons within this kingdom, having money of the Silver coin of England, are required to present and offer their said money to be told, that they may receive Certificates in manner above and after-mentioned,

and the persons entrusted respectively as above are hereby required to receive from all persons what English money they have to present and tell down in their presence; which being so exhibite and told down, the said persons intrusted are to seal the same up in bags, and detain it till the said fix a clock of the same day, and immediately to deliver back to the owner, with a Certificate signed by the persons above-mentioned respective, *viz.* at Edinburgh, by the Lords of Privy Council and Magistrates attending at each Office and Table; and at the Bank-office, and at Glasgow and Aberdeen, by the Magistrates of the said Burghs, or three of them respectively, before two witnesses, bearing the sum exhibite and told down, with the sum ordained to be paid out by the party to the Teller, *effeirand* to twenty pence upon each hundred pounds sterling; and the foresaid persons respective above-named are hereby ordained to write down an exact account of the respective Certificates to be granted by them, and of the persons names to whom, and of the sums that shall be therein contained: and the said persons, named and intrusted in manner foresaid, are hereby required and ordained to subscribe the said general accompt before witnesses, upon the same day above-mentioned, and to transmit the same to the Clerks of our Privy Council without delay, under the penalty of five hundred merks: and we, with advice foresaid, hereby expressly discharge the receiving in any English money upon any other day after the foresaid precise day appointed as said is, or altering any Certificates formerly granted, under the pain of falsehood and forgery: As likewise we, with advice foresaid, discharge the English money to pass at any higher rate than the rate of England, at five Shillings sterling per Crown, and so proportionally, and that it shall be no otherways current, nor offered or received in Payments after the said day: And, further, we declare the said Certificates, to be granted by the said respective persons intrusted as said is, are to be a sufficient title for recovering the loss arising from the sums therein contained, and what was paid to the Teller out of the Equivalent: And we, with advice foresaid, ordain the Commissioners of the Equivalent to pay out the same to the bearer of the Certificates, without delay, loss, or defalcation; and that how soon the said Commissioners shall have received the sum of the Equivalent out of which the said loss is to be repaired, declaring that the loss to be made upon the said English money is only for the species of Silver-coin: Our will is therefore, &c.

N^o K 3.

Proclamation, calling in the Scots Crowns old and new, the Forty, Twenty, and Ten Shilling Pieces, to be re-coined.

ANNE, by the Grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, to our Lyon King at Arms, and his brethren Heralds, Macers of our Privy Council, Pursuivants, Messengers at Arms, our Sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as we by our former proclamation of the date the nineteenth day of September last, in prosecution of the fifteenth Article of the Treaty of Union betwixt the Two Kingdoms, for reducing the Coine of Scotland to the standart and value of the Coin of England, and of the remit made by the late Parliament of Scotland to our Privy Council for that effect, did, upon the grounds therein narrated, give full and distinct orders to all our liedges, owners and possessors of any species of foreign coin then current in Scotland, for bringing in the same in order to be recoined and reduced to the standart of England; and thereupon did farther ordain and declare, that, after the sixth day of October, then next, and now past, all the foresaid foreign species of money should be no more current, but only held and repete as bullion, in manner mentioned in the said Proclamation; and that, after the fifteenth day of the said month of October, it should only be received at the Mint as bullion to be re-coined, without any consideration of loss, and with the benefit of a free coinage allannerly, with the exception contained in favours of the Bank in manner mentioned in the said Proclamation. And it being farther resolved by our Privy Council in Scotland, after the calling in of the foresaid foreign species of money to be re-coined in the first place, that then the present Scots coin now current in Scotland should also be called in, in order to the said reduction, as our Privy Council should think fit: and there being sufficient provision now made to prevent the want, and maintain the currency, of money and species; therefore we, in pursuance of the said resolve, with advice of our Privy Council, have thought fit to intimat, and do hereby solemnly intimat to all our liedges, owners, and possessors of the several species of our Scots coin following, viz. Scots crowns, old and new, forty shilling, twenty shilling, and ten shilling pieces; that they may, at their pleasure, bring in and offer the same to the Bank in Edinburgh, who will be ready to receive the said Scots species upon every ordinary day of the week (Saturday excepted), betwixt eight and twelve in the forenoon, and two and six in the afternoon; and for which they are immediately
upon

upon the receipt to issue and give out their notes, or make payment in other current money, to the said owners and possessors, in the option of the demander, and that betwixt and the tenth day of February next to come inclusive; reserving always to such as shall not be willing to lodge their money in the Bank, liberty and privilege of giving it in to the mint for re-coinage in due course as said is; and farther, we, with advice foresaid, do hereby ordain and declare, that, after the said tenth day of February next to come inclusive, all the foresaid species of Scots money, viz. crowns old and new, forty shilling, twenty shilling, and ten shilling pi ces, shall be no more current nor offered, nor receivable in any payments; but shall, from and after the said day, be only held and reputed as bullion to be disposed upon by the owners within the kingdom as they shall think fit, except as to the Bank of Scotland at Edinburgh, by whom the same shall be received at the full value, until the twenty fifth day of the said month of February next inclusive, and no longer, in manner above-mentioned; declaring farther, that the foresaid Scots species, hereby discharged and turned to bullion, as said is, shall, from and after the said twenty-fifth day of February inclusive, be only received at the Mint, by whomsoever presented, either by the Bank, or any other of our Liedges, as bullion to be re-coined according to the said standart and value of the coin of England; but without any consideration of loss which they may thereby sustain, and with the benefit of a free coinage allannerly, as was formerly in use: excepting always herefrom all the said Scots species, that shall be given in to, and found in the Bank, before and upon the said twenty-fifth day of February, according to an accompt thereof, to be taken by order of our Privy Council for certifying the same, to the effect that when given in by the Bank at any time thereafter to the Mint for re-coinage, the Bank, and the Directors thereof, may have their loss, and allowance thereupon, made good to them as given in before the said day. Our will is therefore, &c.

N^o 1.

KING Edward likewise, to perfect the marriage between his son Prince Edward and Margaret Queen of Scots, with the general approbation of the Keepers, Nobles, and Natives of that Realm, granted and ratified to the Nobles and people of Scotland these ensuing Articles, agreed on by special Commissioners sent on both sides, and approved by him by letters under his Great seal, which he took an oath to observe, under the penalty of forfeiting 100,000*l.* to the Church of Rome, towards the Holy Wars, and subjecting himself to the Pope's Excommunication,

munication, and his Kingdom to an Interdict, in case of violation or non-performance, as the following Patent (enrolled both in Latin and French) attests :

‘ Universis ad quorum notitiam præsentēs Literæ pervenerint, Edwardus Dei
 ‘ gratia Rex Angliæ, &c. salutem in Domino. Cum nos nuper ad partes Scotiæ
 ‘ destinassēmus venerabiles Patres in Christo Antonium Dunelmensem & Radul-
 ‘ phum Carliolensem eadem gratia Episcopos, & nobiles Viros Johannem Ga-
 ‘ rennæ & Henricum Lincoln Comites, Willielmum de Vesey Militem, & Magis-
 ‘ trum Henricum de Newark, Decanum Ecclesiæ Ebor. nostros solempnes Nuncios
 ‘ & Procuratores, qui nostro Nomine aliqua annuissent & concessissent Custodibus,
 ‘ Episcopis, Abbatibus, Comitibus, Baronibus, ac toti Communitati ejusdem
 ‘ Regni Scotiæ; si per eos sic concessa nobis & nostro consilio placuissent; ac
 ‘ prædicti Nobiles ac tota Communitas Regni Scotiæ prædicti ob hoc & alia ne-
 ‘ gotia misissent ad nos venerabilem patrem Robertum Dei gratia Glasguensem
 ‘ Episcopum, & nobilem Virum Dominum Johannem Comyn, custodes Regni
 ‘ Scotiæ, ac venerabilem Patrem Alanum eadem gratia Cathanensem Episcopum
 ‘ suos solempnes Nuncios & Procuratores: nos super prædictis per nostros Nun-
 ‘ cios concessis informati & consulti, considerantes etiam, & ponderantes amorem
 ‘ & affectionem quam Gens prædicti Regni Scotiæ habet ad nos, & filium nostrum
 ‘ & hæredem Edwardum, concessionem & factum prædictorum Nunciorum nostro-
 ‘ rum ratum habemus & firmum, prout de verbo ad verbum est infra scriptum de
 ‘ tali tenore. Universis ad quos præsentēs literæ pervenerint, Antonius Dunel-
 ‘ mensis, & Radolphus Carliolensis Dei gratia Episcopi, Johannes de Garenna, &
 ‘ Henricus de Lincoln, Comites, Willielmus de Vesey miles, & Henricus de New-
 ‘ ark Decanus Ecclesiæ Ebor. Procuratores speciales & Nuncii solempnes Mag-
 ‘ nifici Principis Domini Edwardi Dei gratia Regis Angliæ illustris, salutem.
 ‘ Cum inter cætera quæ contingunt negotium & tractatum habitum inter excellen-
 ‘ tissimum Dominum nostrum supradictum ex parte una; & venerabiles Patres
 ‘ Custodes & cæteros Episcopos, Abbates, & totum Clerum, nobiles viros, Co-
 ‘ mites & Barones, totamque Communitatem Regni Scotiæ, ex altera, super Ma-
 ‘ trimonio contrahendo inter Dominum Edwardum, filium & Hæredem prædicti
 ‘ Domini nostri Regis, & Dominam Margaretam natam egregii Principis Domini
 ‘ Erici Regis Norwagiæ ejusdem Regni Scotiæ, hæreditariam & Reginam; a nobis
 ‘ esset petitum ex parte eorundem Custodum, Prælatorum, Nobilium, & Com-
 ‘ munitatis ipsius Regni Scotiæ, quod pro Domino nostro prædicto & hæredibus
 ‘ suis, eis concederemus & firmaremus, Jura, Leges, Libertates & Consuetudines
 ‘ dicti Regni Scotiæ, tam Ecclesiasticas quam Seculares, hætenus usitatas
 ‘ & optentas: nos habita consideratione diligenti ad pacem & tranquillitatem
 ‘ utriusque Regni, & mutuam dilectionem habitantium in eisdem, cunctis tempori-
 ‘ bus remansuram, concedimus nomine & vice Domini nostri prædicti & hæredum
 ‘ suorum,

fuorum, quod Jura, Leges, Libertates & consuetudines ejusdem Regni Scotiæ,
 in omnibus & per omnia, per totum ipsum Regnum & ejus Marchiam, integre
 & inviolabiliter perpetuis temporibus observentur: salvo jure dicti Domini nostri,
 & alterius cujuscunque quod sibi vel alii cuicunque super his quæ consistunt in Mar-
 chia vel alibi ante præsentis concessionis tempora, competit, vel competere
 justo modo poterit in futurum. Volentes & concedentes expresse nomine dicti
 Domini nostri, hæredum suorum & nostro, quod deficientibus prædictis Edwardo
 & Margaretae, vel eorum altero, absque liberis extantibus, in omni casu & eventu,
 in quo ad proximiores hæredes regnum prædictum debeat de jure reverti, in-
 tegre, libere, absolute, absque ulla subjectione revertatur & restituatur eidem;
 si forsan ad manus antedicti Domini nostri Regis vel hæredum suorum, ipsum
 Regnum Scotiæ aliquo casu contingerit devenire. Ita quod ratione præsentis
 facti Domino nostro Regi, vel hæredibus suis, aut alicui alii nichil accrescat
 aliquatenus vel decrescat. Similis vero fiat restitutio, per prædictum Dominum
 nostrum Regem vel hæredes suos, de corpore prædictæ Dominæ Margaretae,
 si in eventu reversionis hujusmodi, in ipsius vel hæredum suorum fuerit po-
 testate, secundum formam ordinationis & conventionis factæ super hoc apud
 Sarum. Concedimus insuper & promittimus bona fide, Domini nostri prædicti
 nomine & hæredum suorum, quod quando prædicta Margareta, Domina & Re-
 gina Scotiæ, maritabitur charissimo nato & hæredi ejusdem Domini nostri Ed-
 wardo, dotabitur vel habebit in dotationem propter nuptias, de cæteris terris in
 regno Angliæ, prout decet congrue statum suum, unde ipsa Regina & amici sui
 contenti rationabiliter esse poterunt & debebant. Promittentes nihilominus vice
 & nomine prædicti Domini nostri Regis & hæredum suorum, quod Regnum Scotiæ
 remaneat separatum & divisum & liberum in se, sine subjectione a Regno Angliæ
 per suas rectas divisas & Marchias, sicut a retro hætenus extitit observatum. Salvo
 jure dicti Domini nostri & alterius cujuscunque, quod sibi vel alii cuicunque super
 his, quæ consistunt in Marchia vel alibi, ante præsentis concessionis tempora com-
 petiet vel competere justo modo poterit in futurum. Set quod Castra & Fortalicia
 de novo in Marchia non firmentur, non sumus in hoc consulti, quod dicto Domino
 nostro Regi & suis, talem imponeremus servitutem, ubi antecessores & homines
 sui uli sunt hætenus firmare castra, fortalicia, & domos in terris suis, sicut fecerunt
 sui progenitores, quia alias majori subjicerentur servituti, quam illi de Regno Sco-
 tiæ vel aliqui antecessorum suorum. Ad hæc, expresse concedimus pro eodem Do-
 mino nostro & hæredibus suis, quod capitula Ecclesiarum Cathedralium, Collegiata-
 rum & Conventualium, quæ proprias habent electiones, non compellantur exire
 Regnum ipsum Scotiæ; ad petendum licentiam eligendi, vel præsentandi suos elec-
 tos, vel fidelitatem Regi Scotiæ facere seu Sacramentum. Et quod nullus tenens in
 capite de prædicto Rege Scotiæ compellatur exire Regnum pro homagio, fide-
 litate

' tate seu fine, pro relevio faciendo. Illud idem viduis & miserabilibus personis
 ' in petendis & habendis dotibus & quærenda Justitia concedentes. Set in Regno
 ' ipso, aliquis ex parte dicti Domini nostri Regis, nomine Dominae Margaretae
 ' ipsius Regni Reginae, & Domini Edwardi filii & hæredis Domini nostri prædicti
 ' deputetur, ad jam dicta repiendâ & eorum nomine faciendâ: salvo homagio
 ' quod in personali Regis præsentia fieri oportebit, set fidelitate facta, habeat
 ' seisinam terræ suæ sine dilatione per breve de capella.' ' Nec quod aliquis de
 ' Regno Scotiæ, pro contractu inito, vel delicto commissio in eodem Regno, vel in
 ' aliquo casu teneatur, respondere extra idem Regnum, contra Leges & con-
 ' suetudines ejusdem Regni, sicut hætenus extitit rationabiliter observatum. Et
 ' quod Sigillum Regni, quod nunc currit, post mortem Regis teneatur & currat,
 ' quousque Regina prædicta venerit in Regnum suum, & fecerit Deo & Ecclesiæ,
 ' ac communitati ipsius Regni, in loco ad hoc specialiter deputato, quod fuerit
 ' faciendum secundum leges & consuetudines dicti Regni, & quod tunc fiat novum
 ' sigillum de consuetis armis & circumscriptione nomine Regni Scotiæ tantum, penes
 ' Cancellarium ejusdem Regni, qui pro tempore fuerit, remansurum. Volentes quod
 ' habeant Cancellarium de Regno, & in Regno Scotiæ residentem ad officium
 ' Cancellarii exequendum. Et idem concedimus de Camerario, Clerico de
 ' Rotulis Capellæ Domini Regis, Justiciariis, & aliis ejusdem Regni Ministris;
 ' & quod nulla litera jus commune, vel gratiam continens specialem, de dicta
 ' Cancellaria transeat, nisi secundum solitum & debitum cursum Capellæ Regis
 ' & Regni Scotiæ prædictorum. Reliqua vero Cartæ, privilegia & alia muni-
 ' menta, quæ tangunt Regalem dignitatem & Regnum Scotiæ, in tuto loco po-
 ' nantur sub firma custodia infra Regnum Scotiæ, & sub sigillis majorum de Regno,
 ' & per visum eorum, donec prædicta Domina venerit in Regnum suum, & pro-
 ' lem habuerit superstitem, & prædicta munimenta ac privilegia in suis juribus
 ' integraliter custodiantur. Et similiter, quod nulla fiat subjectio, alienatio, vel
 ' obligatio rerum ad Regalem dignitatem regni Scotiæ pertinentium, donec præ-
 ' dicta Domina & Regina in Regnum suum venerit, & Prolem superstitem habu-
 ' erit, ut superius est expressum: promittentes firmiter & concedentes, quod nati
 ' & hæredes, Comitum, Baronum & Nobilium, qui pro tempore erunt in custodia
 ' & maritaggio Domini Regis Scotiæ, post mortem antecessorum suorum, per
 ' prædictum Regem nullatenus disperagentur. Nec quod Parliamentum teneatur
 ' extra Regnum & Marchiam Scotiæ, super his quæ contingunt ipsum Regnum,
 ' vel Marchiam, seu statum inhabitantium ipsum Regnum, nec etiam tallagia,
 ' auxilia, exercitus vel malatanta, exigantur a prædicto Regno, aut imponantur
 ' gentibus ejusdem Regni, nisi pro communibus Regni negotiis expediend', & in
 ' casibus in quibus Reges Scotiæ talia petere consueverunt. Ad quæ omnia
 ' supradicta integre & fideliter observanda, prædictus Dominus noster Rex faciet

' in animam suam jurari. Et Prælati ac Magnates Angliæ infraſcripti, videlicet
 ' Cantuar. & Ebor. Archiepiſcopi, ac Winton. Lincoln. Dunelm. & Carliol.
 ' Epiſcopi, necnon Nobiles viri Domini, Edmundus, Domini noſtri Regis Ger-
 ' manus, & Cornub. Pembrock. Glovernæ, Warennæ, Lincoln. Norff. & Suff.
 ' & Oxon. Comites, fideliter procurabunt præmiſſa firmiter obſervari. Et ſi Rex
 ' egerit extra Regnum, quod locum ſuum tenens, vel tenentes in ejus abſentia,
 ' vel heres ipſius Domini Regis legitimæ ætatis exiſtens, aut ejusdem hæredis
 ' cuſtos ſeu cuſtodes, dum fuerit minoris ætatis, quilibet in ſuo caſu præſtabunt
 ' ſeu præſtabit conſimile Sacramentum. Promittimus etiam, quod prædictus Do-
 ' minus noſter Rex, pro ſe & hæredibus ſuis, obligabit ſe ad reſtitutionem diſti
 ' Regni faciendam in caſibus ſupradictis, ſub pœna centum millium librarum
 ' ſterlingarum, ſolvendarum Eccleſiæ Romanæ in ſubſidium terræ ſanctæ. Et
 ' præter hæc quod Dominus Papa dictum Dominum noſtrum Regem & hæredes
 ' ſuos poſſit per ſententias excommunicationis in perſonas, & interdicti in Regnum
 ' & terras eorundem, tam ad Regni prædicti reſtitutionem, quam ad pœnæ ſolu-
 ' tionem, ſi commiſſa fuerit, coercere; principali obligatione nihilominus in ſuo
 ' robore duratura. Concedimus inſuper & promittimus nomine Domini noſtri
 ' Regis prædicti, quod idem Dominus noſter præſentem obligationem propriis
 ' ſumptibus & pro viribus faciat, infra annum a tempore ſponſalium inter præ-
 ' dictos Edwardum & Margaretam contractorum, articulatiſſimè per ſummum Pon-
 ' tificem confirmari, & infra idem tempus, communitati Regni Scotiæ liberari;
 ' quod ſi infra annum prædictum id facere non poterit, illud quam citius potuerit,
 ' fieri impetrabit, ita quod illud perficiatur: Et ſi hoc non faciat ſuo tempore,
 ' quod hæredes ſui ad id faciendum bona fide teneantur. Proteſtatur etiam in
 ' hiis ſcriptis, quod omnia præmiſſa taliter intelligantur, quod juri unius Regni
 ' vel alterius ratione præſentis facti, nichil decreſcat aliqualiſſimè vel accreſcat:
 ' Nec alicui Regum Regnorum prædictorum, quin libere habeant ſtatum ſuum.
 ' In quorum omnium & ſingulorum præmiſſorum teſtimonium & evidentiam
 ' pleniorè, ſigilla noſtra præſentibus duximus apponenda. Dat. apud Brigh,
 ' die Martis proxima ante feſtum beatæ Margaretæ Virginis, videlicet 15 Kal.
 ' Auguſti anno Domini 1290; & ad majorem hujusmodi ratificationis & confir-
 ' mationis noſtra ac omnium prædictorum authoritatem & evidens teſtimonium
 ' has literas noſtras fieri fecimus parentes, ſigillo noſtro Regio conſignatas. Dat.
 ' Norht. 28 die Aug."

But the death of this Queen, a little before her deſigned voyage towards Scot-
 land and England, put a period to all the promiſed procurations, patents,
 articles; fruſtrated this much deſired marriage between Prince Edward and her,
 and raiſed new queſtions between the competitors for the Crown, which of
 them was next heir thereunto, who all referred the final deciſion thereof to
 King Edward.

N^o 2.

NICHOLAUS Episcopus, servus servorum Dei, dilecto filio nobili viro Edwardo nato charissimi in Christo filii nostri, Edwardi Regis Angliæ illustris, salutem & Apostolicam benedictionem. Petitio tua nobis exhibita continet, quod propter contiguitatem Angliæ, Scotiæque regnorum diversa scandala, rancores, & odia inter ipsa regna & eorum Reges hæcenus sunt exorta, ex quibus nonnulla rerum & corporum contigisse pericula dignoscuntur, sicque cum claræ memoriæ A. Rex Scotiæ sit viam universæ carnis ingressus proprio masculino genere non extante, & dilecta in nobis Christo filia Margareta nata charissimi in Christo filii nostri Erii Norwegiæ Regis illustris, Neptis prædicti Regis Scotiæ, regno ipsi Scotiæ regi succedat verisimiliter dubitatur, quod si forsan Regnum ipsum ad manus alterius ex ipsius Margaretæ contrahendo conjugio proveniret, de facili possent hujusmodi scandala, rancores & odia pullulare, ac provenire ex ipsis pericula graviora; unde ad hujusmodi periculis obviandum, ac ad sedandum & obliviscendum scandala, rancores, & odia supradicta, & ad procurandum & nutriendum veræ pacis & dilectionis commoda, inter prædicta Regna & incolas eorundem, desideras cum prædicta Margareta matrimonialiter copulari. Set quia tertio consanguinitatis gradu quo tu & eadem Margareta, nata ex quadam Margareta consobrina tua præfati Norweg. Regis Uxore, vobis attinetis ad invicem prohibente, id non potest perducere legitime ad affectum, Apostolicæ sedis licentiam super hoc humiliter implorasti; nos itaque in prædictis Regnis & ubique locorum Deo & Romanæ Ecclesiæ devotorum, pacem & concordiam affectantes & intendentes ad id studia quæ possumus adhibere: Sperantes quoque quod ex hujusmodi matrimonio, si fiet, memoratis Regnis, odiorum tenebris inde propulsis, prosperitatum quamplurimum, dante Domino, incrementa provenient. Considerantes etiam, quod si prædictum Regem patrem tuum, juxta sui voti præfagia, contingat in terræ sanctæ subsidium proficisci, possit ipsi Regi suoque Regno & tibi, & per consequens præfatæ terræ sanctæ negotio, si alii prædicta Margareta nuberet, deperire. Pensantes insuper, quod nulla ex hujusmodi provenire debere scandala, verisimiliter formidantur.

Hiis & aliis dignis considerationibus subsistentibus excitati, tuis supplicationibus annuentes, tecum & cum Margareta præfata ut impedimento consanguinitatis hujusmodi non obstante matrimonium invicem legitime contrahere, ac in contracto licite remanere possitis, autoritate Apostolica de speciali gratia dispensamus; prolem suscipiendam ex te ac dicta Margareta ex hujusmodi matrimonio nunciantes ex nunc legitimam, de Apostolica plenitudine potestatis. Nulli ergo omnino hominum liceat hanc paginam nostræ dispensationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare præsumpserit, indignationem Omnipotentis

tentis Dei, & beatorum Petri & Pauli Apostolorum ejus, se noverit incursum. Dat. Romæ apud Santam Mariam majorem, 16 Kal. Decembris, Pontificatus nostri anno secundo.

Nº 3.

Magnifico Principi & amico suo karissimo Domino Erico, Dei gratia, Regi Norwagiæ illustri, Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ, salutem, & prosperis semper successibus habundare. Cum ex liberali benignitate sedis Apostolicæ sufficiens & plena nobis dispensatio de filio nostro Edwardo & Margareta filia vestra Regina Scotiæ matrimonialiter adinvicem copulandis, non obstante consanguinitatis gradu, quo sibi adinvicem attinere noscuntur, per sanctissimum patrem nostrum Dominum Nicholaum ejusdem sedis ac universalis Ecclesiæ summum Pontificem, rite & inspirante gratia Salvatoris sit concessa, & realiter jam obtenta; ad quod utique custodes, Magnates, Prælati ac tota communitas prædicti Regni Scotiæ, unanimi & expressa voluntate suum præbuerunt jam consensum; id quod vobis, ut confidimus, propter utriusque Regni Angliæ & Scotiæ secundam prosperitatem & mutuam utilitatem placidum & acceptum esse, verisimiliter attendamus, vestram serenitatem regiam requirimus & rogamus attente, quatenus ad tam felicem dictæ dispensationis & copulæ conjugalis effectum prosequendum finaliter & complendum, prædictæ Dominiæ Margarete filiæ ad partes nostras Anglicanas adventum curetis adeo tempestive maturare, ut obnixius obstringamur. Grave siquidem gereremus, si nostra hinc inde vota in hoc aliquantulum discreparent, aut saltem protelare faceretur, quod in hac parte regiam Celsitudinem non deceret. Valeat & vigeat feliciter Regia Majestas vestra, & prosperis semper floreat incrementis. Dat. apud Aumbrisbury, 15 Kal. Maii, anno Regni nostri decimo octavo.

Eidem Regi, Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ, salutem, & prosperis semper successibus habundare. Ad frequentem & votivam instantiam venerabilis patris Domini Antonii Dei gratia Dunelm. Episcopi vestram de Regno Scotiæ utilitatem affectantes, & vehementer prosequenti, quam utique nos in hoc & in aliis appetimus scilicet prosperari, damus, concedimus, & committimus eidem Episcopo plenam & specialem potestatem & auctoritatem plenariam, vobiscum per se, vel per suos procuratores, aut nuncios speciales, tractandi, conferendi, ordinandi juramento, scriptis vel obligationibus, suo & nostro nomine, si necesse fuerit affirmandi negotia, vos & nos Filium nostrum & Filiam vestram contingentia, secundum quod magis viderint expedire.

Ratum

Ratum habentes & firmum quicquid per prædictum patrem Dunelm Episcopum vel nuncios aut procuratores suos, vel eorum aliquos, ad hoc specialiter deputatos factum, ordinatum vel affirmatum fuerit suo & nostro nomine in præmissis. In cujus, &c. Sigillum nostrum fecimus præsentibus appendi. Dat. apud Wodestok, 10 die April. anno, &c. eodem.

Et memorand. quod istæ duæ literæ, licet sint de data in eis contenta, irrotulatæ fuerunt hic, eo quod tangunt factum Norwag. & nichilominus ista ultima litera irrotulata est in Rotulo patentium de anno xvii mense April.

Nº 4.

OMnibus has literas visuris vel auditoris, Edwardus, &c. salutem. Noveritis nos literas custodum Regni Scotiæ communi sigillo Regni ejusdem signatas, non cancellatas, non abollitas, nec in aliqua sui parte vitiatas, in forma quæ sequitur, inspexisse. Excellentissimo Principi Domino Edwardo Dei gratia Regi Angliæ illustri, Domino Hiberniæ, & Duci Aquitaniæ, custodes Regni Scotiæ per communitatem ejusdem Regni, salutem, & continuum semper gloriæ & honoris incrementum. Notum vobis facimus per præsentis, quod cum ad preces & instantiam vestram, ad præsentiam vestram venerabiles in Christo Patres W. & R. permissione divina Sancti Andreæ & Glasguen. Episcopos, nobiles viros Robertum de Brus patrem, Dominum Wall. Anand. & Johannem Comyn destinemus pro quibusdam rebus seu negotiis, vobis per quosdam solempnes nuncios Domini Regis Norwag. illustris, suggestis, sicut per literas vestras nuper nobis missas didicimus; damus & concedimus prædictis destinatis potestatem & mandatum tractandi cum dictis nunciis Norwag. coram vobis, super rebus seu negotiis vobis expositis per eosdem, & ea quæ erunt in vestra præsentia ab utraque parte concorditer ordinata, affirmandi. Salvis tamen in omnibus & singulis & per omnia libertate & honore Regni Scotiæ; Ratum & gratum habituri quicquid per prædictos destinatos in vestra præsentia tractatum fuerit & affirmatum; dummodo ex hoc Regno Scotiæ & ejus incolis nullum imposterum præjudicium generetur. In cujus rei testimonium, has literas patentes sigillo regimini Regni Scotiæ deputato fecimus sigillari. Dat. apud Monasterium de Melros, tertio die Octobris, anno gratiæ 1289. In cujus, &c.

Memorand. quod ista litera sigillata liberata fuit in Ecclesia beatæ Mariæ Sarum septimo die Novembr. anno, &c. decimo septimo, per manum venerabilis patris R. Bathon & Wellen. Episcopi Cancellar. Regis, nunciis Regis Norwag. Et litera originalis

originalis una cum litera subsequente, eodem die in eadem Ecclesia, liberata fuit per manus ejusdem Cancellarii Domino Episcopo Dunelm. In præsentia venerabilis patris Domini Wigorn. Episcopi, & Domini W. de Valen. & J. de Warennæ. Com. Sarr. per manum ejusdem Episcopi Dunelmen. in Garderoba Regis liberand'.

Nº 5.

Omnibus has literas visuris vel audituris, Edwardus, &c. salutem. Noveritis nos literas serenissimi Principis Ericii, eadem gratia Regis Norwag. illustris, sigillo suo signatas, non cancellatas, non abollatas, nec in aliqua sui parte vitiatas, in forma quæ sequitur, inspexisse. Excellentissimo & magnifico Principi, affini & amico suo karissimo, Domino Edwardo Dei gratia Regi Angliæ. Domino Hybernæ, & Duci Aquitanæ, Ericius eadem gratia Rex Norwag. salutem, & sinceræ dilectionis constantiam, cum honoris & gloriæ perpetuis incrementis. Noverit vestra Majestas Regia, quod nos dilectos ac fideles nostras, Tirricium de campis Iudi Baronem Petrum Algothi, quondam Regni Suet. Cancellar. Thorwaldi de Shetland, & Guthorinum de Osleya, Milites, latores præsentium, facimus, constituimus, & ordinamus, nostros veros & legitimos procuratores & nuncios speciales, ad tractandum & conferendum cum Serenitate vestra, super quibusdam negotiis, nos & filiam nostram karissimam Margaretam consanguineam vestram, Dominam ac Reginam Scotiæ, ac ipsum regnum suum Scotiæ tangentibus: Dantes & concedentes eisdem nunciis & procuratoribus nostris auctoritatem plenariam & mandatum speciale ad stabilienda prædicta negotia, & ad omnia alia facienda sine quibus prædicta negotia expedire non possint, prout nobis & filiæ nostræ supradictæ melius credere viderint ad commodum & honorem. Ita tamen quod si omnes hiis expediendis interesse nequiverint, tres vel duo ex ipsis nichilominus in negotiis procedant supradictis. Ratum habituri & gratum, quicquid per dictos nuncios & procuratores nostros, seu ipsorum tres vel duos factum fuerit & ordinatum in præmissis seu quolibet præmissorum. In cujus rei testimonium præfens procuratorium sigilli nostri appensione duximus roborandum. Dat. apud Civitatem Bergenf. Kal. April. an. Regni nostri decimo. In cujus rei testimonium, has literas nostras fieri fecimus patentes. Teste incipso apud Clarendon, 6 die Novembr. anno Regni nostri decimo septimo.

Nº 6.

REX Prelatis, magnatibus, ac toti communitati Regni Scotiæ, salutem & dilectionem sinceram. Quia negotia, quæ contingunt karissimam consanguineam nostram, Margaretam Dominam & Reginam Regni ejusdem, ad honorem Dei, & tranquillitatem totius communitatis ejusdem Regni, ac commodum & profectum ipsius consanguineæ nostræ prædictæ bene & fideliter prosperari, totis desideriis peroptamus; vos requirimus & rogamus attente, quatinus custodibus ad regimen dicti Regni nomine prædictæ nostræ consanguineæ deputatis, taliter intendentes sitis & obedientes, quod nos & Domina vestra antedicta possimus & debeamus fidelitatem vestram habere merito commendatam. Proponimus siquidem statim post instans Parliamentum nostrum London. ad partes vestras Scotiæ, aliquos de nostro concilio destinare; per quos ac etiam per ipsius terræ custodes de statu ejusdem Regni, quem appetimus tranquillum & pacificum semper esse, certificati erimus, Deo dante. Dat. apud Clarendon, ut supra. Et sunt clausæ.

Nº 7.

CUM egregius Princeps Eryk, Rex Norweye, & Domina Margareta nata Regis ejusdem, Domina Regina & hæres Regni Scotiæ, requirivissent per suos solempnes nuncios, Dominum videlicet Terricum de Campis ludi, Petrum Algothi, & Guthorinum de Afeleya, magnificum Principem Dominum Edwardum, Dei gratia illustrem Regem Angliæ, quod ipse opem apponeret & consilium. qualiter prædictæ Reginæ neptæ suæ obediretur, ut Domina Regina, & hæres Regni Scotiæ suprascripti, & quod ipsa inde ordinare possit pariter & gaudere, prout aliis faciunt Reges regnis; præfatus Dominus Angliæ Rex illustris, pro bono pacis dicti regni Scotiæ, & reformatione status suæ neptæ, jam dictæ, Custodibus regni Scotiæ literas suas misit, quod Custodes ipsi mitterent personas nominatas & certas, qui potestatem haberent tractandi formam aliquam pro se & aliis, ad emendationem dicti regni Scotiæ, & reformatione status Reginæ jam dictæ. Idem quoque Custodes, ad requisitionem hujusmodi Domini Regis Angliæ prælibati, miserunt, juxta effectum requisitionis ejusdem, venerabiles in Christo patres Sancti Andreæ & de Glasgou Episcopos, & nobiles viros Dominos Robertum de Brus, Dom. Val. de Anaunt, & Johannem de Comyn, ad tractandum prout superius est jam dictum; qui apud Saresbur. venientes, ad mensem Sancti Michaelis prox. nunc elapsam, ad quem locum predictus dominus Rex Angliæ honorabiles

honorabiles in Christo patres Dominos Godefridum Wygorn. & Antonium Dunelmensem Episcopos, ac egregios viros, dominos Guillelm. de Valenc. Pembrok. & Johannem de Garenem Com. pro tractatu prædicto transmisit, qui similiter venientes ibidem ad tractand. ex parte ipsius Regis Angliæ cum nunciis Norweye, & nominatis Scotorum supradictis, post disceptationes inter eos varias & tractatus, in formam tandem talem pariter concordarunt, videlicet, quod præfata Domina Regina & hæres in regnum veniat Angliæ aut Scotiæ citra festum omnium Sanctorum proximo jam futurum, ab omni contractu maritagii & sponsalium libera & quietæ; & hoc præfati nuncii Norweye, quantum in ipsis est, bona fide promiserunt, se procuratores futuros & curatores citra terminum jam prædictum, nisi Regina rationabile & allocabile essonum habeat in hac parte. Promisit insuper bona fide jam dictus Rex Angliæ, quod si præfata Domina ab omni contractu Maritagii & Sponsalium, in manum suam aut custodiam libera veniat & quietæ; & quando Regnum Scotiæ assecuratum bene fuerit & in pace, ita quod Domina ipsa secure venire valeat, & in eo morari, ipsumque Regem Angliæ per gentem Regni Scotiæ requiri continget, idem Rex Angliæ eandem Dominam in regnum Scotiæ mittere, ita liberam & quietam a contractibus, de quibus superius est locutum, sicut recepit eandem. Ita tamen quod bona gens Scotiæ, antequam ipsam Dominam recipiant, sufficientem faciant securitatem & bonam Regi Angliæ prænotato, quod prædictam Dominam, nisi per ordinationem ipsius, voluntatem & concilium, ac per assensum Domini Regis Norweye Patris ipsius Dominae nullatenus maritabunt. Prænominati vero Missi Scotiæ promiserunt similiter bona fide pro se & aliis Regni Scotiæ quod ipsi assecurabunt terram Scotiæ antequam dicta Domina veniat in eandem, & quod securitatem sibi facient, quod inibi ut in Regnum suum secure venire poterit, & pro suæ voluntatis libito commorari, prout ipsius terræ vera Domina, Regina, & Hæres, quodque de præmissis omnes securitates præstabunt, quæ rationabiles fuerint, & quas dicti nuncii Norweye ipsos facere posse dicent. Quod si forsan de Custodibus aut Ministris aliquis vel aliqui dicti Regni Scotiæ ipsis de Norweya vel Reginae prædictæ inutilis vel inutiles, suspiciosus aut suspiciosi extiterit vel extiterint, totiens Ministri & Custodes amoveantur hujusmodi, quotiens opus erit, & meliores alii de Regno Scotiæ loco ponentur eorum, secundum considerationem & providentiam proborum hominum terrarum Scotiæ & Norweyæ, & illorum insuper quos ad hoc prælibatus Rex Angliæ duxerit destinandos. Si autem illi de Scotia & de Norwegia in hac parte concordare non possint, medianibus ope & consilio gentium Regis Angliæ supradicti, tunc res ex illa parte se teneat, cui gentes ipsius Regis Angliæ consilium concordaverint. Et hoc nedum sit attendendum in expressis superius, set & in omnibus disceptationibus, quæ inter eos in dicto Regno Scotiæ resultabunt, ejusdem Regni statum & reformationem contingentibus quoquomodo. Placet enim partibus, quod dicti

Regni Scotiæ status hujusmodi Angl. & Norweye Regibus reportetur. Item concordarunt partes prædictæ, quod ad mediam quadagesimam proximo jam futuram erit gens Scotiæ apud Rokesburgh. & in circuitu loci ejusdem, gens vero quam transmittet Rex Angliæ ad requisitionem illorum de Scotia & Norweya in partibus de Warks, & de Karhin. eodem die erit. Ad quem diem promiserunt illi de Scotia bona fide de affirmanda præmissis omnibus & complendis, tam de securitatibus, quam cunctis aliis superscriptis, quæ contingunt emendationem Regni Scotiæ memorati: & hoc in illorum præsentia, quos præfatus Rex Angliæ ad dictos diem transmittet & loca, ut videre possint prædicta firmitet adimpleri. Et in testimonium præscriptorum præfati procuratores Regis Norweye & Missi de Scotia huic scripto cirographato in tres. pecias, quarum duæ in Galico penes Regem Angliæ & illos de Scotia, & tertia in Latinum translata, penes procuratores Norweyæ, & nominatorum Scotiæ prædictorum præfati Domini Wygorn. & Dunelmen. Episcopi, ac de Pembrok. & de Garen. Comites superscripti sua similiter præsentibus apposuerunt Sigilla in testimonium præmissorum. Dat. apud Salefbury Dominica in Festo Sancti Leonardi, Anno Dom. 1289.

Nº 8.

REX Thesaur. & Camerariis suis salutem. Libertate de Thesauro nostro Magistro Giffredo de Vezano, Domini Papæ Clerico, quinque millia Marcarum per manus suas eidem Domino Papæ liberand. de Annis Regni nostri 12, 13, 14, 15, & 16. videlicet, de quolibet Anno mille Marcas, quem idem Dominus Papa percipit ad Scaccarium nostrum. Et recipiatis ab eodem Magistro Giffredo sufficientem quietanciam de pecunia supradicta. Test. Rege apud Ledes, 18 die Augusti.

Nº 9.

REX omnibus ad quos, &c. salutem. Sciatis nos concessisse venerabilibus patribus, Willielmo Dei gratia Sancti Andreae, & Roberto Glasguen. Episcopis, ac nobilibus viris, Roberto de Bruys, Domino Wal. de Anant. & Johanni Comyn, qui ad nos ex parte custodum Regni Scotiæ nuper venerunt in nuncium; & Terrico de campis Ludi, Petro Algoti, & Guithorno de Affebeye, Nunciis & Procuratoribus egregii Principis Domini Erici Regis Norwag. Quod si Domina

Margareta nata Regis ejusdem, nostraque nepta, Domina Regina & Hæres Scotiæ, in partibus Angliæ veniat, ab omni contracta Maritagi & Sponsalium libera & quæta, nos ipsam domicellam ita liberam & quætam ab omni contractu Matrimonii & Sponsalium probis hominibus Regni Scotiæ ad eorum requisitionem liberabimus, quam cito terra Scotiæ prædicta allecurata fuerit & in pace. Ita quod ipsa Domina secure venire valeat in eandem, & inibi commodè commorari; sub tali tamen modo, quod prædicti probi homines Regni Scotiæ antequam præfatam recipiant Dominam, sufficientem ponent securitatem & bonam nobis & Regi Norwag. supradicto, quod ipsam Dominam nullatenus maritabunt, nisi de consensu nostro, & Regis Norwag. supradicti, & hæredum succedentium nobis Regi Angliæ, si de nobis interim contingat humaniter vel in remotas partes a nostro Regno prædicto contingeret nos transferre. In quibus casibus hæredes nostros, ac hæredum nostrorum, & Regni Custodes in nostri absentia obligamus ad præmissa servanda, quæ promissimus bona fide. In cujus rei testimonium, &c. Teste Rege apud Clarendon. 6 die Novembr.

Et sunt Duplicatæ & similiter liberatæ per manum venerabilis Patris R. Bathon, & Wellen. Episcopi Cancellar. Regis apud Sarum 8 die Novembris, Willielmo de Bliburg. per manum suam liberand. unam videlicet nunciis Regis Norwag, & aliam nunciis Custodum Scotiæ.

N° 10.

A Touz ceus qi ceste lettre verrunt ou orrunt, Roberd par la grace de Deu Eveske de Glasguen. & Johan Comyn Gardeyns du Reaume de Escoce e Alayn per meime. la grace de Deu Evesqe de Chattens solempnes Messages & procururs des autres Gardeyns, & des Evesqes, Abbes, Priors, Countes & Baruns e de tote la Commune de Escoce, saluz en Deu. Come les honorables peres en Deu Anntoyne de Dureme, & Rauf de Cardoyl par la grace de Deu Evesqes, & les nobles homes Johan de Garenne & Henry de Nichole Countes, Sire Guiliam de Vesey, & Mestre Henry de Newerk deen del Eglise de Everwyk, especiaus procururs & solempnes Messages le noble Prince Sire Edward par la grace de Deu Roy de Engleterre, pur acons perils & suspecions qe il auoient entendu, nus eussent de par meimes le Roy de Engleterre demaunde la garde des Chastiens & de Fortelesces du Reaume de Escoce & de Cele demaunde departir ne voleynt saunz Conceillier lou Segniur le Roy avaundit. Nus sur ceo e autres choses venimes a la presence meimes le Roy de Engleterre avaundit. Qui feur celes choses conceil e
deliberation

deliberation eue a nostre requeste nous graunta cele chose delaer desques a la venue nostre dame, qe ferra a la touz feinz prochain avenir, ou devant si Dieu plest. Par la quele chose nus Procururs et Messages avaunt diz, ouk aucun des Gardeyns des Chasteus de Escoce, cest asaver Sire Guilliame de Saint Cler, Patrick de Graham, e Johan de Soules, qe iloke vindrent oue nous, en noun des avaunt diz Gardeyns, Evescques, Abbes, Priors, Countes et Barons, e tote la Commune du Reaume de Escoce, grauntons, volons, et fermement promettons, qe quel hore qe la Dame veigne en Engleterre ou en Escoce, quite et delivre de tot mariage, estre celui, qe nus auons otrie; nus icels Chasteus e Fortelesces rendrons et ferons rendre a lavandite nostre Dame, e a noble Ber Sire Edward fiz al avaunt dit Roy de Engleterre. E de cel hore enauant les obirons ensemble, come a Seignour e Dame en ceste chose et totes autres qe al avaunt dit Reaume apendent, de cel hore, qe il ferraient venuz en Escoce, e averont fet per eus ou per autres dedenz le Reaume serement de quel qe il seient en lu duw, solom les leys e les costomes de la terre de Escoce, ne a nul autre mariage ne assentirons, ne a autre Seigneur ne obirons, taunt qil viveront, si il ne soit par le assent e la volente le Roy de Engleterre, e Sire Edward son fiz. E si la Dame ne veigne en Engleterre ou en Escoce entre cy e la touz feinz prochain avenir, nus volons e promettons pur nus et pur tous les autres du Reaume de Escoce, qe touz les Gardeyns des Chasteus e de Fortelesces de meimes le Reaume seient adonqe obligez per serement e par escrit, de garder e de sauver i ceus Chasteus et Fortelesces al oes e en noun nostre Dame anaunt dite, e Sire Edward fiz e heyr le avaunt dit Roy de Engleterre. E si nul des Gardeyns des Chasteus e de Fortelesces feyt ou feyent renablement suspecenous a eus ou a nous, il ferount remuwe taunt de foiz come meier ferra per commun counseil du Roy de Engleterre, e de bone gent de Escoce, e as autres du Reaume nient suspecenous, souz bone seurte bailleu. Memes la chose grauntons, otrions et promettons des Gardeyns e des autres Ministres du Reaume.

N^o 11.

‘ **T**HAT though it would seem most proper for the Scots to sue to us, who
 ‘ are Superiors in the Field, and Masters of a great part of their Realm;
 ‘ yet, that our charitable mind and brotherly love might be known, we do, by all
 ‘ means possible, provoke and call you to your own commodity and profit, as
 ‘ the Father does the Son, or the elder Brother the younger, and invite you to
 ‘ Amity and Equality; because as we inhabit in the same Island, there is no

‘ People so like one another in Manners, Customs, and Language; but because
 ‘ some object that we do not seek Equality, nor the Marriage, but a Conquest; and
 ‘ that we would not be Friends but Lords, although our Proclamation at the last
 ‘ Wars did enough declare the contrary; yet here we declare to you and all
 ‘ Christian People, to be the King’s Majesty’s mind our Master’s, by our Advice
 ‘ and Counsel, not to conquer, but to have in Amity; not to win by Force,
 ‘ but to conciliate by Love; not to spoil and kill, but to save and keep; not to
 ‘ differ and divorce, but to join in Marriage, from high to low, both the
 ‘ Realms; to make of one Isle, one Realm, in Love, Amity, Concord, Peace, and
 ‘ Charity. We offer Love; we offer Equality and Amity; we overcome in War,
 ‘ and offer Peace; we win Holds, and offer no Conquest; we get in your Land,
 ‘ and offer England. What can be more offered and more proffered than
 ‘ intercourse of Merchandizes, and interchange of Marriages; the abolishing
 ‘ of all such our Laws as prohibit the same, or might be impediment to the
 ‘ mutual Amity? We have offered not only to leave the Authority, Name, Title,
 ‘ Right, or Challenge of Conqueror, but to receive that which is the shame of
 ‘ Men overcome, to leave the name of the Nation, and the glory of any Victory
 ‘ (if any we have had, or should have of you), and to take the indifferent old
 ‘ name of Britains again; because nothing should be left on our part to be
 ‘ offered, nothing on your part unrefused, whereby ye might be inexcusable.
 ‘ What face hath this of Conquest? We intend not to disinherit your Queen,
 ‘ but to make her Heirs Inheritors also of England. We seek not to take from you
 ‘ your Laws nor Customs; but we seek to redress your oppression, which of
 ‘ divers ye do sustain. In the Realm of England, divers Laws and Customs be
 ‘ according to the antient usage thereof; and likewise France, Normandy, and
 ‘ Gascoigne, have sundry kind of orders. Have all the Realms and Dominions,
 ‘ that the Emperor now hath, one Custom and one sort of Laws? These vain
 ‘ fears and fantasies of expulsion of your Nation, of changing of the Laws, of
 ‘ making a Conquest, be driven into your heads by those, who indeed had rather
 ‘ you were all conquered, spoiled, and slain, than they would lose any point
 ‘ of their will, of their desire of rule, and of their estimation, which they
 ‘ know in quietness would be seen what it were, as it were in a calm water. If
 ‘ we two, being made one by Amity, be most able to defend us against all Na-
 ‘ tions, and having the Sea for the Wall, mutual Love for Garrison, and God
 ‘ for Defence, should make so noble and well-agreeing Monarchy, that neither
 ‘ in Peace we may be ashamed, nor in War afraid, of any worldly or foreign
 ‘ Power; why should not you be as desirous of the same, and have as much
 ‘ cause to rejoice at it as we? And for a more sure proof and plainer token of
 ‘ the good mind and will which we bear unto you, that which never yet was
 ‘ granted

‘granted to Scotland in any League, Truce, or Peace, betwixt England and Scotland, because ye shall have proof of the beginning of Love and Amity of both the Realms, the King’s Highness considering the multitude of them which are come to his Majesty’s devotion, and of them that be well-willers and aiders of this Godly enterprize, hath, by our Advice and Counsel, granted, and by these presents doth grant, that from henceforth all manner of Merchants and other Scotfmen, who will enter their names with one of the Wardens of the Marches, and there profess to take part with us in this before-named Godly purpose, may lawfully, and without any trouble and vexation, enter into any Port, Creek, or Haven of England, and there use their traffick of Merchandize, buy and sell, bring in the Commodities of Scotland, and take and carry forth the Commodities of England, as liberally and as freely, and with the same and none other Customs therefore than Englishmen, and the King’s Subjects do at this present.’ Hollinshed, History of England, vol. III. p. 998.

N^o 12.

THE Commissioners being met at Westminster, the chief Things debated on were, 1. Whether the Two Kingdoms should be united under the name of Great Britain: and, 2. Whether both Nations should be equally capable of honours and offices in either Kingdom. Some advanced, against the first, that it was without all example, that Two Kingdoms, equally supreme, should lay aside their former names for a third new one: nor could the Name of Great Britain be so honourable as the several names and pluralities of Kingdoms: thus, though Castile, Leon, and Arragon, be united under the subjection of the King of Spain, and France and Navarre under the French, yet these Kings, alwise in their designations, mention the several Kingdoms they command.

Others alledged, this might prejudice the precedency of the Kings of England among other Princes, as being but a new one. But for all that, we find in history, that this is no new thing; and, in particular, Livy reports, that the Trojans and Aborigines did, after the Union of their Nations, assume the common name of Latines. Thus the Hungarians derived their name from the Huni and Avari (Morden in his Geography mentions the authors from whence we have it); the Catalonians from the Catti and Albani; the counties in Germany use that common name; and that only is called *feudum novum* which is acquired by money, donation, or conquest; and that *feudum antiquum* which descends by blood and succession.

When

* When the second question came under debate, some of the Commissioners agreed it was unreasonable the Scots should be admitted to, and made capable of all the employments in England. To this it was answered, that to refuse it would continue the ancient grudge and enmity; for the Romans were never engaged in a sharper war than in the *bellum sociale*, which the Latines raised against them, because they would not admit them to be Consuls after they were united (*vide* Livy, Plutarch, Florus, &c.). After which the Romans did by their own Law declare, that *inter Conceives et Municipis, omnia munera debent esse communicata. Municipis enim sunt qui pariter munera publica suscipiunt.* And Polybius, in lib. 2. speaking of the method whereby the Achæans established their happy Union (read also Plutarch), observes it to have been by this means.

This privilege has been allowed the Scots in France; for the Earl of Buchan was made Constable by Ch. the VIIth, because he defeated the Duke of Clarence; Douglass was made Duke of Turaine; Aubigny Vice-roy of Naples. Count Lesly was preferred lately to be an Earl of the Empire, and still in the Imperial Diets. In England, William of Malmesbury confesses three Scotsmen were successively created Archbishops of York; and the Earl of Forth was in the late wars the successful General of the English Army.

King James thought this debate encroached upon his Prerogative, and therefore desired it might go no further. That though by his Prerogative he might employ Natives of either Kingdom as he pleased, yet he would prefer the Subjects of the respective Kingdoms in their native Countries, till mutual Education and a lasting Union had fitted them to be indifferently employed. Upon which assurance all the Commissioners rested; and so they proceeded to put these conclusions in form, and the Articles agreed upon were these:

It is agreed, by the Commissioners of England and Scotland, to be mutually proposed to the Parliaments of both Realms at the next Session, that all hostile Laws, made and conceived expressly, either by England against Scotland, or Scotland against England, shall in the next Sessions be abrogated, and utterly extinguished.

It is also agreed, that all Laws, Customs, and Treaties of the Border, betwixt England and Scotland, shall be declared by a general Act to be abrogated and obliterated; and that the Subjects on either part shall be governed by the Laws and Statutes of the Kingdoms where they dwell, and the name of the Borders extinguished.

And because, by abolishing the Border-Laws and Customs, it may be doubted, that the Executions shall cease upon these Sentences that have heretofore been given by the opposite Officers of those Borders, upon wrongs committed before the death of the late Queen of happy memory; it is therefore thought fit, that,

n case the Commissioners or Officers, to be appointed by his Majesty before the time of the next Sessions of Parliament, shall not procure sufficient redress of such filed Bills and sentences, that then the said Parliament may be moved, to take such order as to their wisdoms shall seem convenient, in satisfaction of that which has been decreed by some officers; as also, how disorders and infolencies may be hereafter repressed, and the Country which was lately of the Borders kept in peace and quietness in time to come; as likewise to prescribe some Orders how the pursuits of former wrongs, preceding the death of the late Queen, and since the last Treaty of the Borders in the years 1596 and 1597, which have never as yet been moved, may be continued, and prosecuted to a definitive Sentence.

And forasmuch as the next degree to the abolition of all memory of hostility is the participation of mutual Commodities and Commerce; it is agreed, first, concerning Importation of Merchandize into either Realm from Foreign Parts, that whereas certain Commodities are wholly prohibited by the several Laws of both Realms to be brought into either of them by the Natives themselves, or by any other, the said Prohibitions shall now be made mutual to both, and neither an Englishman bring into Scotland, or a Scotsman into England, any of these prohibited Wares and Commodities: nevertheless, if the said Commodities be made in Scotland, it shall be lawful to bring them out of Scotland to England, and so reciprocally of the Commodities made in England and carried to Scotland.

Whereas a doubt hath been conceived against the equal communication of Trade betwixt the English and Scots Subjects in the matter of Importation, grounded upon some inequality of Privileges, which the Scots are reported to have in Foreign Parts, and namely in France, above the English, whereby the English might be prejudged; and that after a deliberate consultation had of the supposed inequalities, both private and publick examination of divers Merchants of either side, touching all Liberties, Privileges, Immunities, Imposts, and Payments, on the part of the English, and on the part of the Scots, either at Bourdeaux, for their Trade of Wines, or in Normandy, or any other parts of France, for other Commodities, it appeared, that in the Trade of Bourdeaux there was and is so little difference in any advantage of Privileges or Immunities, or in the Imposts and Payments, all being reckoned and well weighed on either side, as it could not justly hinder the communication of Trade: In the Trade of Normandy likewise, or any other parts of France, the advantage the Scots Subjects by their Privileges are acknowledged to have, is such as without much difficulty may be reconciled and reduced to an equality with the English, by such means as are hereafter declared: It is agreed, that the Scotsmen shall be free for transporting of Wine from Bourdeaux to England, paying the same Customs and Duties that

that the Englishmen do pay; and the Englishmen likewise shall be free for transporting Wine and other Commodities from Bourdeaux to Scotland, paying the same Customs and Duties that the Scotsmen do pay there.

And likewise, for clearing and resolving the doubts touching the advantage that these Scots are supposed to have above the English in buying and transporting the Commodities of Normandy, and other parts of the Kingdom of France, excepting the buying of Wine in Bourdeaux, which is already determined; it is agreed, that there shall be sent some meet and discreet Persons into France, two for either side, to take notice of any such advantage as either the English have above the Scots, or the Scots above the English, in buying or transporting of any Commodities of Normandy, or any parts of France, excepting the Wine of Bourdeaux; and as the said Persons shall find the advantage to be, so, for making the Trade equal, the Customs shall be advanced to the King in England and Scotland; and for the part of these that have the advantage, and according to the proportion of the said advantage, the advancement of the Custom to continue no longer than the privilege, having such advantage, shall continue: and that generally for all other Trade from any Parts, the English and Scots Subjects, each in other's Country, shall have liberty of Importation as freely as any of the native Subjects themselves having special privilege.

Next, concerning Exportation, it is agreed, that all such Goods as are prohibited and forbidden to Englishmen themselves to be exported out of England to any Foreign Part, the same shall be unlawful for any Scotsman, or any other, to export to any Foreign Nation beyond Sea, under the same penalties and forfeitures that the English are subject unto; and reciprocally that furth of Scotland, no Englishman shall transport to any Foreign Parts the Goods and Commodities that are prohibited in Scotland to Scotsmen themselves; nevertheless, such Goods and Commodities and Merchandizes as are licensed to Englishmen to transport out of England to any Foreign Part, the same may be likewise transported by Scotsmen thither, they certifying their going into Foreign Parts, and taking a Cocquet accordingly, and paying the ordinary Custom that Englishmen do pay themselves at the Exportation of such Wares, the like liberty to be for Englishmen in Scotland.

As for the native Commodities which either of the Countries do yield, and may serve for the use and benefit of the other, it is agreed, that mutually there may be transported furth of England to Scotland, and furth of Scotland to England, all such Wares as are either of the growth or handy-work of either of the said Realms, without payment of any Impost, Custom, or Exaction; and as freely in all respects as any Wares may be transported either in England from part to part, or in Scotland from part to part, except such particular sorts of Goods

and

and Merchandizes as are hereafter mentioned, being restrained for the proper and inward use of each Country. And for that purpose it is declared, that both in this Communication of Benefit, and Participation of the native Commodities of the one Country with the other, there shall be specially reserved and excepted the sorts hereafter specified; that is to say, Wool, Sheepfell, Cattle, Leather, Hydes, and Linen-yarn, which are specially restrained within each Country, not to be transported from one to the other; excepting also and reserving to the Scotsmen their Trade of Fishing within the Lochs, Firths, and Bayes, within Land, and in the Seas within 14 Miles of the Coasts of the Realm of Scotland, where neither Englishmen nor any Strangers have used to fish; and so reciprocally on the behalf of England. All which Restrictions and Exceptions are not to be understood or mentioned in any sort for a Mark or Note of Separation and Division, but only as matters of Policy and Conveniency for the several Estates of each Country.

Furthermore it is agreed, That all foreign wares to be transported forth of Scotland into England, or out of England into Scotland, by any of the King's subjects of either Kingdom, having at their first entry once paid custom in either of the Kingdoms, shall not pay outward customs therein afterwards, save only inward custom at the port whereunto they shall be transported: but the owner of the goods, or factor, or master of the ship, shall give bond not to transport the same into any foreign parts.

It is also agreed, That Scotsmen shall not be debarred from being associates unto any English Company of Merchants, as Merchant-venturers, or others, upon such conditions as any Englishman may be admitted; and so reciprocally for Englishmen in Scotland.

It is nevertheless agreed, by mutual consent, and is so to be understood, that the mutual Liberty aforesaid of Exportation and Trade, in each part, from the one to the other, shall serve for the inward use only of either Realm; and order taken for the restraining and prohibiting the transportation of the said commodities to foreign parts, and for due punishment of those that shall transgress in that behalf. And, for the better assurance and caution herein, it is agreed, that every Merchant so offending shall forfeit his goods; the ships wherein the said goods shall be transported, confiscated; the Customers, Searchers, and other Officers of the Custom whatsoever, in case of consent or knowledge on their part, to lose their offices and goods, and their bodies to be imprisoned at his Majesty's pleasure. Of which escheats and forfeitures, two parts shall appertain to his Majesty, if the Customs be unfarmed; and the third to the informer: and, if the customs be farmed, one third of the forfeiture to belong to his Majesty, a third to the farmer, and the other third to the informer. The trial of

the offence to be summar in either country in the Exchequer Chamber, by writ, sufficient witnesses, or oath of party, or before the Justice by Jury or Assize, and his Majesty's Officers in either country to concur with the Complainers that insist in the pursuit.

As also, for the more security, that there shall be no Transportation of such goods, it is agreed, that at the shipping of all such native commodities there be taken, by the Custom of the port where the goods or wares are embarked, a bond or obligation subscribed by the Owner of the goods, and Master of the ship; by the Owner if he be present, or by the Master of the ship, or Factor, or party that loadeth the same, in case of his absence: which bond shall contain a sum of money answerable to the value of the goods, with condition of relieving the party obliged, and discharging him of the said bond, in case return be made of a due Certificate to the Custom where the goods were laden from any port within England or Scotland, and the Certificate to be subscribed and sealed by the Officers of the Customs of the port where the said goods shall arrive to be unladen: or, if there be no such Officers there, by the chief Magistrate and Town Clerk of that harbour and town, under their hand and seal. And it is further agreed touching the different freighting of Commodities, either in English or Scots bottoms, that Englishmen and Scotsmen freight and laden their goods each in others ships and bottoms indifferently, paying only English and Scots Custom, notwithstanding any contrary laws or prohibitions; and that a proposition be made to the Parliament of England, for establishing some good orders, for upholding and maintaining the great fishing of England; as also that a proposition be made to the Parliament of Scotland, for making of their shipping more proportionable in burthen to the shipping of England, the better to serve for the Equality of Trade, and a common defence for the whole Isle.

And because it is requisite that the mutual communication aforesaid be not only extended to the Matter of Commerce, but to all other benefits and privileges of natural-born subjects; it is agreed, that an Act be proponed to be passed in manner following: That all the subjects of both Realms, born since the decease of the late Queen, and that shall be born hereafter, under the obedience of his Majesty, or his Royal Progeny, are, by the common laws of both Realms, and shall be for ever, enabled to obtain, succeed, inherit, and possess, all Goods, Lands and Chattels, Honours, Dignities, Offices, Liberties, and Privileges, and Benefices Ecclesiastick or Civil, in Parliament, and all other places of the Kingdoms, and every one of the same, in all respects, and without any exception whatsoever, as fully and amply as the subjects of either Realm respectively might have done, or may do, in any sort within the Kingdom where they are born.

Further.

Further, his Majesty, out of his great judgement and providence, hath not only professed in publick and private speech to the Nobility and Council of both Kingdoms, but hath also vouchsafed to be contented, that, for a more full satisfaction and comfort of all his loving subjects, it may be comprised in the said Act, that his Majesty meaneth not to confer any Office of the Crown, any Office of Judicature, Place, Voice, or Office in Parliament of either Kingdom, upon the subjects of the other, born before the death of the late Queen, until time and conversation have increased and accomplished an Union of the said Kingdoms, as well in the hearts of all the people, and in the conformity of Laws and Policies in these Kingdoms, as in the knowledge and sufficiency of particular men, who, being untimely employed in such authorities, could no way be able, much less acceptable, to discharge such duties belonging to them. It is therefore resolved by us, the Commissioners aforesaid, not only in regard of our desires and endeavours to further a speedy conclusion of this happy work intended, but also as a testimony of our love and thankfulness for his gracious promise, on whose sincerity and benignity we build our full assurance, even according to the inward sense and feeling of our own loyal and hearty affections, to obey and please him in all things worthy the subjects of so worthy a sovereign, that it shall be desired of both the Parliaments, to be enacted by their Authority, That all the subjects of both Realms, born before the decease of the late Queen, may be enabled and made capable to acquire, purchase, inherit, succeed, use, and dispose of all Lands, Goods, Inheritances, Offices, Honours, Dignities, Liberties, Privileges, Immunities, Benefices, and Preferments whatsoever, each subject in either Kingdom, with the same freedom, and as lawfully and peaceably, as the very natural and born subjects of either Realm, where the said Rights, Estates, or Profits, are established; notwithstanding whatsoever Law, Statute, or former Constitution heretofore in force to the contrary; other than to acquire, possess, succeed, or inherit any Office of the Crown, office of Judicatory, or any Voice, Place, or Office in Parliament; all which shall remain free from being claimed, held, or enjoyed, by the subjects of the one Kingdom within the other, born before the decease of the late Queen, notwithstanding any word, sense, or interpretation of the Act, or any circumstance thereupon depending, until there be a perfect and full accomplishment of the Union, as is desired mutually by both the Realms. In all which points of Reservation, either in recital of the words, his Majesty's sacred promise, or in any clause or sentence, before specified, from enabling them to any of the foresaid Places or Dignities; it hath been, and ever shall be, so far from the thoughts of any of us, to presume to alter or impair his Majesty's Prerogative Royal (who contrariwise do with all comfort and confidence depend

herein upon the gracious assurance which his Majesty is pleased to give in the Declaration of his so just and princely care and favour to all his people), as, for a further laying open of our clear and dutiful intentions towards his Majesty in this and in all things else which may concern his Prerogative, we do also herein profess and declare, that we think it fit there be inserted in the Act, to be proposed and passed, in express terms, a sufficient reservation of his Majesty's Prerogative Royal, to denizate, enable, and prefer to such Offices, Honours, Dignities, and Benefices whatsoever, in both the said Kingdoms, and either of them, as are heretofore excepted in the preceding reservation of all English and Scots subjects born before the decease of the late Queen, as freely, sovereignly, and absolutely, as any of his Majesty's Royal Progenitors, Kings of England or Scotland, might have done at any time heretofore, and to all other Intents and purposes, in as ample manner as if no such Act had been thought of or mentioned.

And forasmuch as the several Jurisdictions and Administrations of either Realm may be abused by malefactors, by their own impunity, if they shall commit any offence in the one Realm, and afterwards remove their persons and abode into the other; it is agreed, that there may be some fit course advised of, by the wisdoms of the Parliaments, for tryal and proceeding against the persons of Offenders remaining in the one Realm, for and concerning the crimes and faults committed in the other Realm. And yet nevertheless that it may be lawful for the Justice of the realm, where the offence is committed, to remand the offender remaining in the other Realm, to be answerable to the Justice of the same Realm where the fact was committed; and that, upon such remand made, the offender shall be accordingly delivered, and all further proceedings (if any be) in the other Realm shall cease, so as it may be done without prejudice to his Majesty, or other Lords in their Escheats and Forfeitures, with provision, nevertheless, that this be not thought necessary to be made for all criminal offences, but in special cases only, as namely in the cases of Wilful Murther, Falsifying of Monies, and Forging of Deeds, Instruments, and Writings, and such other like cases, as upon further advice in the said Parliament may be thought fit to be added.

N^o 13.

A Paper given in by the Scots Commissioners to the English Commissioners for adjusting the differences of Trade between the Two Kingdoms, Jan. 21, 1667.

WE the Commissioners of and for the Kingdom of Scotland, nominated, and sufficiently authorized by his Majesty, under His great Seal of that Kingdom, to treat and consult, as also to conclude and determine with your Lordships, the Commissioners nominated by his Majesty for the Kingdom of England, of and concerning the Freedom and Liberty of Trade, between the Two Kingdoms of England and Scotland, do represent, That, whereas his Majesty's subjects of Scotland be under the allegiance of the King, since the happy succession of K. James to the crown of England, are so far from being Aliens, that they are declared to have, by the law of this Kingdom, all the privileges of natural-born subjects of England: And whereas his Majesty's subjects in Scotland have enjoyed the same in all the dominions and plantations belonging to the Kingdom of England more than 56 years, without any considerable obstruction all that time; yet, since the 25th of March, in the 12th year of his Majesty's reign, by some Acts of Parliament here in England, the King's subjects of Scotland are clearly debarred from the privilege granted to all his Majesty's other subjects; seeing by these Acts several Immunities and Privileges granted to such ships as do truly and without fraud belong only to the people of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, and all other ships and vessels (without any exception) with all their goods and merchandizes are declared to be forefaulted; also by other Acts of Parliament, since that time, goods and commodities of Scotland are, at some times, charged with a double duty or imposition above 16 times more than the goods of the like nature, of foreign growth, and some unusual customs are exacted in Northumberland and Cumberland:

In order to the removing of all obstructions to the Freedom and Liberty of Trade between the Two Kingdoms, to the end the people of Scotland may be encouraged to trade here as formerly, and to export from the Kingdom such foreign and other Commodities as are necessary for them (which we conceive to be a great advantage to this Kingdom, the exported commodities far exceeding these imported hither), for encouraging the shipping and seamen of Scotland, without which trade cannot be continued, and for preventing the removal of the Trade of Scotland into foreign parts, which would be very prejudicial to his Majesty's

Majesty's customs in this Kingdom (as we conceive), and to the happy Union and Correspondence of the two Kingdoms, which we do above all things endeavour to preserve:

We do begin with that which was first in time, and indeed of the greatest importance to Scotland, an Act, intituled, "An Act for the encouraging and increasing shipping and navigation," passed in the 12th year of his Majesty's reign, and ratified, confirmed, and enacted in the 13th year. Cap. 140. In relation to which Act, we desire, first, That as to the Trade with the Lands, Islands, Plantations, and Territories, to his Majesty belonging, or in his possession, or which may thereafter belong unto, or be in the possession of his Majesty, his heirs, or successors, in Asia, Africa, or America, the same Freedom may be allowed to such ships and vessels as do truly and without fraud belong to the people of Scotland, whereof the Master and three 4th parts are Scotsmen, or other his Majesty's subjects, and freighted only by his Majesty's subjects, as are allowed to his Majesty's subjects of Ireland, Dominion of Wales, and Berwick upon Tweed.

2. That it be declared, That his Majesty's subjects of Scotland are not meant to be debarred by the Clause debarring men or persons, not born within the allegiance of our Sovereign Lord the King, from exercising the trade or occupation of Merchants or Factors in any of the said Places.

3. That the ships or vessels belonging truly to his Majesty's subjects of Scotland, navigated as is before expressed, and freighted only by his Majesty's subjects, may be declared to have liberty to bring into England the goods and commodities that are of foreign growth, production, or manufactory, under the same restrictions and limitations as are express'd ever since King James came to England, is of absolute necessity for entertaining the shipping of Scotland, and keeping the famen there for his Majesty's service, and will be an increase of his Majesty's customs.

4. That all other privileges granted by this Act to the ships and vessels belonging truly to the subjects of Ireland, Wales, and Town of Berwick upon Tweed, may be also declared to belong to the ships or vessels truly belonging to the subjects of Scotland, and navigated and freighted as is aforesaid, under the same restrictions and limitations alwise as by this Act laid upon the subjects of Ireland, &c. that it may be declared that the penalties imposed upon Aliens for transporting of Goods from ports to ports, and all other penalties imposed upon Aliens by this Act, that the subjects of Scotland are no ways therein concerned.

5. That whereas almost all the ships and vessels belonging to his Majesty's subjects of Scotland were, during the late Usurpation, taken, burnt, or destroyed, and many of the vessels, taken or bought since his Majesty's happy re-

turn, are foreign-built; we desire, that all vessels, taken from the King's enemies and condemned as lawful prize, may be declared naturalized, as is lately done here, and that they and all such ships as are truly in the possession of his Majesty's subjects of Scotland may be declared capable of free Trade here, as if they had been built within his Majesty's Dominions; a list of such ships being entered betwixt and a day to be agreed upon into the custom-house Books here, provided that it shall not be lawful for Scotsmen to trade here with any foreign-built ships to be bought hereafter, but only with such ships as are built in Scotland, or some other of his Majesty's dominions, and that both the prize-ships and other ships, now in the possession of the subjects of Scotland, be navigated by 3 parts of 4 of Scotsmen, or others his Majesty's subjects, and freighted only by his Majesty's subjects.

6. And whereas it may be supposed, that, by demanding such a Trade with the Plantations as is allowed to the subjects of Ireland, we may prejudice his Majesty's customs here, or destroy the ends of the Act of Navigation as to these commodities; we declare that we are willing to treat and conclude with your Lordships upon such assurances as can be reasonably demanded, that none of these commodities shall be transported by Scots ships from the English Plantations to any place beyond the seas, but they shall be wholly brought into such parts of England as shall be agreed upon, excepting only such, a very small Number, for the consumption of Scotland, as shall be agreed upon betwixt your Lordships and us.

N^o 14.

J O U R N A L

O F

The Meeting held in the Council-Chamber, in the Cock-Pit, in Westminster,

B Y

The Scottish and English Commissioners, nominated by the Queen to treat of an Union betwixt the Nations of Scotland and England;

Conform to the Acts of the respective Parliaments, inpowering her Majesty to name Commissioners to treat.

Die Martis, 27th October, 1702.

THIS being the day appointed for the meeting of the Commissioners, there were only 12 of the Scots then arrived, who stopped as late as could be, in the hopes of the arrival of the 13th, to have made a Quorum: but, seeing no appearance of it, they went, about 7 o'Clock at night, to the place appointed for their Meeting, where the English Commissioners were convened, and very full: and after the first civilities were past, there was a Letter from her Majesty to the Scots Commissioners, adjourning the Meeting to the 10th of November; and, the same orders being sent to the English Commissioners, they imparted them the one to the other, and so separated.

Die

Die Martis, 10th November, 1702.

A BOUT Seven in the evening the Commissioners of both Kingdoms met at the Place appointed for their Meeting, the English Commissioners being first there. After they had stood a while, they took their Places at a long table, the English on the right side, and the Archbishop of Canterbury as first in their Commission upmost. And the Scots on the left side, and the Duke of Queensberry first in the Commission upmost. When they were set, the Lord Keeper moved, That their respective commissions should be read, by which they would best know the reasons of their Meeting; which was done, the English first, in the English tongue, and the Scots in the Latin: when that was over, the Lord Keeper made the following Speech, which was answered by the Duke of Queensberry.

My Lords,

WE, the Commissioners for England, do, with great satisfaction meet your Lordships on this occasion, hoping that by this Congress the great Business, for which her Majesty has been pleased to grant these Commissions, may be happily effected. That England and Scotland already united in Allegiance under one head, the Queen may for ever hereafter become one People, one in Heart and mutual Affections, one in Interest, one in Name, or in Deed, a Work, which, if it can be brought to pass, promiseth a lasting happiness to us all.

With great sincerity we desire this Union: and we meet your Lordships with hearts fully determined to enter upon such Considerations, and into such Measures with your Lordships, as are proper for bringing the same to the desired Conclusion; on our part nothing shall be wanting that may conduce to a happy period of this great work."

The Duke of Queensberry's Answer.

My Lord,

THE Union of the Two Kingdoms has been much desired both before and since their being under one Sovereign; and I hope it is reserved to her Majesty, for the glory of her Reign, to finish the design which hath been often attempted by her Royal Predecessors.

‘ My Lord, I do consider this Union to be highly advantageous for the peace
 ‘ and wealth of both Kingdoms, and a great security for the Protestant Religion
 ‘ every-where; and, I can assure your Lordships, both for myself and the other
 ‘ Lords Commissioners for Scotland, that we meet your Lordships with great
 ‘ regard and honour to your persons, and with sincere intentions to advance this
 ‘ great design, and to accommodate any difficulties that may arise in the Treaty
 ‘ upon fair and reasonable terms.”

Then the Lord Keeper moved, That some words of the Scots Commission should be read over again; which was done: the words they noticed were, *Dando illis plenam protestatem congregandi & conveniendi cum Commissionariis auctoritate nostra munitis pro Regno et Parlamento Angliæ, &c.* After reading, he said, he did not conceive how they were such as the Scots were impowered to treat with, not being *Commissionarii pro Parlamento Angliæ*. Before any answer was made, the Earl of Seafield moved, That the Commissions should be interchanged against the next Meeting; and that then they would be better able to judge of the Purport and intent of the Commissions; which was agreed to, and the next meeting appointed on Monday thereafter.

Die Lunæ, the 16th of November, 1702.

THE Commissioners met; but, there being only a scrimp Quorum of the English, and two or three of them adhering to the last objection, they desired, without proceeding to any Business, the Meeting might be adjourned till Wednesday, in hopes it might be more full; to which the Scots agreed.

Die Mercurii, 18 November, 1702.

THE Commissioners met; and, the English insisting no more on the Keeper's objection, they received a Message from the Queen, in two different Papers, but of the same tenor, which was read as followeth.

A. R.

“ HER Majesty having, in prosecution of the several attempts made by Her
 “ Royal Predecessors, moved both the Parliaments to consider of the
 “ most effectual Methods for establishing an Union between the Two Kingdoms;
 “ and her Majesty being authorized by both Parliaments to appoint Commis-
 “ sioners

“ sioners to treat of the Terms of this Union, which she hath done accordingly ; her Majesty hopeth that the Commissioners, now happily met for this purpose, will agree upon such Measures as will be acceptable to both Parliaments ; and may perfect an indissoluble Union between the Two Nations, which her Majesty thinks the most likely means, under Heaven, to establish the Monarchy, secure the Peace, and increase the Trade, Wealth, and Happiness, of both Nations.

“ The Heads of this Treaty are so obvious, that her Majesty does not think it necessary to name them ; but her Majesty recommends it to the Commissioners, to make such Proposals mutually on this subject as shall occur to them, and may be most likely to bring this Treaty to a happy and speedy Conclusion.

“ And her Majesty earnestly wishes, for Her own Honour, and the Welfare of Her subjects, That this Union may be established on such solid foundations, as that the breach of it may be as impossible as humane councils can make it. Given at the Court of St. James’s, the 16th November, 1702.

“ To the Commissioners appointed for Treating of an Union between the Two Kingdoms.”

After reading of this Letter, the Lord Keeper proposed the following Overtures, as the Rule of the Method of their proceeding ; which were agreed to, and are as follow.

1. That all Proposals, mutually to be made, shall be offered in Writing.
2. That no Proposals, so made, shall be debated the same day.
3. That all Debates shall be by Word of Mouth, and not in Writing.
4. That every Point, that shall be agreed on, shall be reduced in Writing.
5. That no Point, though agreed on and reduced into Writing, shall be obligatory on either side, till all Matters be adjusted in such manner as shall be proper to be laid before the Queen and the Two Parliaments.

And then they adjourned till Friday.

Die Veneris, 20 November, 1702.

THE Commissioners met ; and the Scots gave in two additional Preliminary Articles, one of them explanatory of the 5th of these given in by the Lord Keeper ; the other about the Minutes ; which were both agreed on by the English, and are as follows.

6. That these matters, though so adjusted as may be proper to be laid before the Queen and the Two Parliaments, shall not be binding till approved and ratified in the said Parliaments.
7. That there be a Committee appointed, consisting of a certain number of each side, to revise the minutes of what passes, which are not to be inserted by the secretaries in their respective books but by the order of the said committee.

Then the Lord Keeper gave in their Proposals about the Subject of the Treaty, *viz.*

That the Two Kingdoms be united into One, by the Name of “ The Kingdom of Great Britain,” &c.

That the succession to the Monarchy of this United Kingdom of Great Britain shall be according to the limitations mentioned in the Act of Parliament made in England in the 12th and 13th years of the reign of the late King William, intituled, “ An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject.”

And the Duke of Queensberry gave in for the Scots these following :

1. The uniting of the Two Kingdoms into One Monarchy.
2. The representing both Kingdoms in One Parliament.
3. The mutual Communication of Trade, and all other Privileges and Advantages.

These are the General Articles, in which it is proposed, that the Two Kingdoms may be united. There will be certain other Articles and proper Reservations, which may be offered afterwards.

These

These propofals were read twice, and ordered to be exchanged, and to be confidered againft the next meeting, which was appointed to be on Wednesday thereafter.

Die Mercurii, 25 November, 1702.

THE Commiffioners met, the Lord Keeper moved, that the fixth Preliminary Article, which had been propofed and agreed on at the preceding meeting, might be confidered; upon which the Lords Commiffioners for Scotland withdrew, and within a little returning, the Duke of Queensberry acquainted the Lords Commiffioners for England, that they were fatisfied the fixth Article fhould be laid afide, providing fomething might be found out to fatisfy their difficulty as to the fifth Article.

Agreed, That the fixth Article be laid afide, and that there be added to the fifth thefe words, “ For their Approbation.”

Agreed, That to the feventh Article, about the Committees, thefe words be added, “ Having firft made Report thereof to their refpective Commiffioners, and “ received their Approbation of the fame.”

Then were nominate the Commiffioners for the Committee.

Of the Scots Commiffioners, Vifcount of Stair, Lord Prefident of the Seffion, and the Lord Treafurer deput, or any two of them. And of the Englifh, Sir John Cook, Mr. Godolphin, and Mr. Clark, or any two of them.

The Duke of Queensberry acquainted the Englifh Commiffioners, that they had prepared an answer to the propofal given in by their Lordfhips at their preceding meeting; the tenor whereof follows.

The Commiffioners for the Kingdom of Scotland do agree, that the Kingdoms be united into One, by the name of “ The Kingdom of Great Britain;” and that the fucceffion to the Monarchy of this United Kingdom of Great Britain, in default of the issue of the body of her Majesty Queen Anne (which God forbid!), fhall defcend on Princefs Sophia, Electorefs Dowager of Hannover, and remain to her, and the heirs of her body, being Proteftants, (fecluding all Papifts) for ever, conform to the Act of Parliament made in England in the 12th and 13th years of the reign of the late King William, intituled, “ An Act for the further
“ limitation

“ limitation of the Crown, and the better securing the Rights and Liberties of “ the Subjects,” reserving the other conditions and provisions, contained in the above-mentioned Act, to be considered in the further progress of the Treaty, in order to be adapted to the Constitutions and Laws of both Kingdoms.

Then the Lord Keeper acquainted the Scots Commissioners, that they had prepared an answer to two of the Articles proposed by their Lordships, having the third under consideration, which was read as follows :

The Lords Commissioners for England have taken into their consideration two of the three Articles offered by your Lordships on the part of Scotland, *viz.* 1. The uniting the Two Kingdoms into One Monarchy: 2. The representing both Kingdoms in One Parliament: and are come to the following resolution : “ That there can be no doubt of their Lordships agreeing to the first Article, it “ being comprehended in what their Lordships have offered: That, as to the “ 2d Article, their Lordships agree to the Proposition in general, reserving to “ their future consideration such proposals as shall be offered to make it practi- “ cable.”

My Lord Duke of Queensberry moved, That since they had given their Lordships a full answer to the proposals offered by them at their preceding meeting, and have only received their Lordships’ answer to two of the three Articles proposed by them, that nothing should be entered by the Secretaries in their books till they have an answer to their third Article, about the Communication of Trade; which was agreed to.

And then they adjourned to Monday, the 30th November, at six in the evening, 1702.

Die Lunæ, 30th November, 1702.

THE Commissioners met, the Lord Keeper of England acquainted the Lords Commissioners for Scotland, that they had prepared an answer to the third Article offered by their Lordships about the Communication of Trade, and a proposal relating to the same; both which were read as follows :

The Lords Commissioners for England have taken into their consideration the 3d Article proposed by your Lordships, *viz.* The mutual Communication of Trade and other Privileges and Advantages, and are come to this Resolution :

Their Lordships agree, that a mutual Communication of Trade and other Privileges and Advantages is proper and reasonable in a compleat Union of the Two Kingdoms.

Their

Their Lordships propose, that your Lordships' Answer to the proposal from the Commissioners for England, which relates to the uniting the Two Kingdoms in One, and settling the Succession, may, together with their present answer to the third Article, be entered into the respective Books and Journals.

The Duke of Queensberry told their Lordships', that the Lords Commissioners for Scotland would take their Lordships' answer and proposal into consideration against next meeting, and then adjourned till the next day.

Die Martis, 1st December, 1702.

THE Lords Commissioners for Scotland met at the time appointed, but, there not being a quorum of the English, they adjourned to Friday thereafter.

Die Veneris, 4th December, 1702.

THE Commissioners being met, the Duke of Queensberry said, that the Lords Commissioners for Scotland had something to offer to their Lordships, in reference to their Lordships' answer to the third Article about Communication of Trade, which was read as follows:

The Lords Commissioners for Scotland, having taken into consideration your Lordships' answer to the third Article of their proposals, wherein your Lordships agree, that a mutual Communication of Trade and other Privileges and Advantages is proper and reasonable in a compleat Union of the Two Kingdoms, their Lordships conceive that the uniting the Two Kingdoms into a Monarchy, in One Parliament, and One line of succession, is such an Union as entitle the subjects of both Kingdoms to a mutual Communication of Trade, and other Privileges and Advantages; and, if your Lordships do acquiesce and consent to the Communication of Trade in these terms, the Lords Commissioners for Scotland do consent that the answer and this addition be entered in the respective Books and Journals.

The Lords Commissioners for England withdrew to consider this, and returning within a little, the Lord Keeper offered what follows; which was read.

Their Lordships conceive that the Union cannot be compleat till the Terms are adjusted upon which it is to be constituted, and therefore, though they allow the Communication of Trade and other Privileges to be the necessary result of a compleat Union, yet in the method of proceeding they must first settle with your Lordships the Terms and Conditions of the Communication of Trade and other Privileges, and they are ready to enter upon the consideration of them in such a method as shall be agreed on, and most likely to bring this particular matter to a speedy determination.

They move, that their answer to the proposal from the Commissioners of England, which relates to the uniting the Two Kingdoms into One, and settling the Succession, may be entered.

To this the Lords Commissioners for Scotland, after having withdrawn for some time, and returned, made the following answer; which was read, and agreed to by the English Commissioners.

The Lords Commissioners for Scotland are satisfied to treat the particulars of the Communication of Trade, in order to adjust the same, and do agree that the Proposals and Answers mutually made on either side be entered in the respective Books and Journals in the terms of the Preliminaries.

Then the Duke of Queensberry offered, on the part of the Lords Commissioners for Scotland, the following Proposals, which were read, and agreed to by the English without withdrawing.

The Lords Commissioners for Scotland propose to your Lordships, that, for preparing and facilitating matters which may occur in this Treaty, there may be a Committee, consisting of four or five persons of either Kingdom, nominate from time to time, to meet and discourse the points that may properly fall in to be considered in this Treaty, and to report what hath past to the respective Commissioners, that in the General Meeting they may proceed with the greater unanimity and dispatch.

Resolved, That this Committee consist of Six of each side, who were named as follows; of the Scots Commissioners, Marquis of Annandale, Duke of Argyle, Earl of Seafield, Viscount of Tarbat, Viscount of Stair, Sir Patrick Johnston, or any three of them. Of the English Commissioners, Archbishop of York, Earl of Carlisle, Earl of Scarborough, Lord Chief Justice Trevor, Sir John Cook, Mr. Godolphin, or any three of them.

Adjourned to the 9th instant: Committees to meet on Monday the 7th instant at 10 in the forenoon.

Die Mercurii, 9th December, 1702.

THE Duke of Queensberry, on the part of the Lords Commissioners for Scotland, made the following Proposals.

1. That there be a Free Trade betwixt the Two Kingdoms, without any imposition or distinction.

2. That both Kingdoms be under the same regulation, and liable to equal impositions for importation and exportation; and that a Book of Rates be adjusted for both.

3. That

3. That the subjects of both Kingdoms, and their seamen, and shipping, have equal freedom of Trade and Commerce to and from the Plantations, and be under the same Regulations.

4. That the Acts of Navigation, and all other laws in either Kingdom, in so far as contrary to, or inconsistent with, any of the above-mentioned Proposals, be rescinded.

5. That neither Kingdom be burdened with Debts contracted, or to be contracted, by the other before the Union; and that the equality of Impositions, in the 2d Proposal, be understood with an exception of impositions laid on, or appropriate, by the Parliament of England for payment of their debts, or, if an equality be thought necessary, that there be allowed to Scotland an equivalent.

6. That the former Proposals are made without prejudice to the Companies or Manufactories of either Kingdom, which are reserved to further consideration in the progress of this Treaty.

The Lords Commissioners for England took these Proposals to consideration.

Resolved, That the former Committee be revived, and that they have power to meet any time before the General Meeting, and discourse on the subject of the above Proposals, and report to the respective Commissioners.

Resolved, That two of each side be added to the Committee, the *quorum* continuing as before.

Nominate by the Lords Commissioners.

For SCOTLAND.
Lord Boyle.
Lord President of the Session.

For ENGLAND.
Earl of Burlington.
Samuel Clerk, Esq.

And then they adjourned to Monday the 14th December.

Die Luna, 14th December, 1702.

THE Lord Keeper acquainted the Lords Commissioners for Scotland, that, having been taken up with publick business since the last meeting, they had not prepared answers to the proposals then offered by them, but that they should endeavour to have them ready against the next.

He also acquainted their Lordships, that her Majesty designs to honour this meeting with her presence; and moved, that the proposals made on either side since the commencement of the Treaty, and the Resolutions taken thereupon, should be read over to her Majesty.

Within a little her Majesty came in, and, being set in her chamber, spoke to the Lords Commissioners to this purpose :

“ My Lords,

“ **I** Am fully perswaded, that the Union of the Two Kingdoms will prove the
 “ happiness of both ; and render this island more formidable than it has been
 “ in past ages ; that I wish this Treaty may be brought to a good and speedy
 “ conclusion, I am come to know what progress you have made in it, and I do
 “ assure you nothing shall be wanting on my part, to bring it to perfection.”

The Lord Keeper told her Majesty, That what was then under consideration was, some Proposals offered on the part of their Lordships for Scotland about Trade, to which they had not yet prepared an answer, but desired to know if her Majesty would hear read the Proposals formerly given on either side, and the Resolutions taken thereupon ; which her Majesty allowed.

After reading whereof, her Majesty went away, and the Commissioners adjourned to the 16th instant.

Die Mercurii, 16th December, 1702.

THE Commissioners met, and the Lord Keeper in name of the English Commissioners gave in the following paper to the Lords Commissioners for Scotland, which was read, as follows.

Some Considerations of the Lords Commissioners for England upon the Proposals delivered by the Lords Commissioners for Scotland on the 9th instant, to be proposed as the subject matter of debate between the Lords Commissioners of both Kingdoms.

As to the first Article, their Lordships are of opinion, that there be a Free Trade between the Two Kingdoms, for the native commodities of the growth, product, or manufactory of the respective countries, with an exception of wool, sheep, and sheep fells, and without any distinction or imposition, other than equal duties upon the home consumption respectively ; their Lordships being of opinion, that the Trade between the Two Kingdoms cannot be upon an equal foot, unless the said duties and impositions be the same in Scotland as in England.

And this Article respecting a Coast-trade, it seems reasonable for their Lordship's to insist, that the Master, Mariner, and Goods, should be under the same securities, penalties and regulations, as are in that case provided by the laws in England.

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As to the 2d Article, it seems reasonable; but their Lordships offer, that it will be necessary therein to add a provision, That not only the impositions on Trade, but the prohibitions be the same on both sides in respect as well of Importations as Exportations.

As to the 3d Article, their Lordships say, that the Plantations are the property of Englishmen, and that this trade is of so great a consequence, and so beneficial, as not to be communicated, as is proposed, till all other particulars which shall be thought necessary to this Union be adjusted; and, as the case now stands by law, no European goods can be carried to the English Plantations but what have been first landed in England, except Salt, Irish and Scots provisions, servants and horses, Madeira wine, and wine of the Azores; nor can the product of the Plantations be carried to other parts of Europe till it be first landed in England. Their Lordships further offer, that in this Article it will be necessary to make provision, that the subjects of Scotland shall be liable to be pressed for the sea, in the same manner as the English subjects are, in time of war, for her Majesty's service.

As to the 4th Article, their Lordships agree, that an Act of Navigation must be granted in both Kingdoms adapted to the terms of the Union.

As to the 5th Article, their Lordships say, that the proposals therein contained seem to contradict what was granted by the 2d Article, in as much as there is no duty subsisting on trade (excepting only on some funds for the Civil Government) but what is appropriated to the payment of the debts of the Nation; that though the said debts have been contracted by a long war entered into, more particularly for the preservation of England, and the dominions thereto belonging, yet that Scotland has tasted of the benefits which have accrued to Great Britain in general, from the opposition that hath been made to the growth and power of France; that such burdens will be abundantly recompensed to Scotland by a compleat Union: to which compleat Union, as a free communication of trade is essential, so such a free communication of trade cannot be established with equality, unless the same duties both upon foreign trade and home consumption be levied on both Kingdoms: but how the sums of money thereby arising within the said realm shall be applied, or what equivalent is to be allowed in the room thereof, may be settled when your Lordships are ready to offer what proportion of the publick burdens Scotland proposes to bear towards the future support of the Government, both in times of peace and war.

As to the 6th Article, their Lordships say, that it requires to be further explained, before they can be ready to give any answer to it.

After giving in the above Proposals, in answer to the last Proposal made by Scotland, the English desired a day for a conference on both might be appointed, which was accordingly appointed on Saturday next.

Die Saturni, 19th December, 1702.

THE Commissioners on both sides had a full conference upon the subject of the Communication of Trade in the foresaid Proposals and Answers, which was very amicable: and their Lordships for England agreed to all the Proposals made by their Lordships for Scotland; and a Committee was appointed to draw up the Resolutions taken thereupon, to be offered at their next meeting on Wednesday the 23d instant.

Die Mercurii, 23d December, 1702.

THE Committee having met to draw up the result of the conference of the 19th instant, to have been this day presented to the General Meeting, and there not being a *quorum* of the English, they adjourned to the 29th instant.

Die Martis, 29th December, 1702.

A *Quorum* of the Scots Commissioners being met at the usual place of meeting, and there not being a *quorum* of the English, they adjourned to the 30th instant.

These frequent disappointments seeming to denote an indifferency on the part of the English, the Scots began to signify their impatience, so as several of them threatened to return to Scotland.

Die Mercurii, 30 December, 1702.

THE Commissioners met; and at their taking their places the Lord Keeper said, their Lordships of England had taken notice of the publishing of some of their proceedings in the Flying-post, which they thought not convenient, and therefore had ordered their Secretary not to give out any copies of their proceedings, and desired their Lordships for Scotland would do the like; which was agreed to. And then

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The Lord Keeper offered a paper, containing the result of the last conference in the proposals made by the Lords Commissioners for Scotland about Trade: and the Duke of Queensberry offered another: which were both read; the English in the following terms:

Agreed by the Lords Commissioners of both Kingdoms in the terms of the Preliminaries, and to take effect when the Union shall be completed.

1. That there be a Free Trade between all the subjects of the island of Great Britain, without any distinction, in the same manner as is now practised from one part of England to another; and that the Masters, Mariners, and Goods, be under the same securities and penalties in the Coasting-trade.

2. That both Kingdoms be under the same Regulations and Prohibitions, and liable to equal Impositions for Importation and Exportation, and upon the Home Consumption, and that a Book of Rates be adjusted for both.

3. That the subjects of both Kingdoms, and their seamen and shipping, have equal freedom of Trade and Commerce to and from the Plantations, under such and the same Regulations and Restrictions as are and will be necessary for preserving the said Trade of Great Britain; and that the seamen of Scotland be equally liable to the publick service, as the Seamen of England now are.

4. That such laws, part or parts of the Act of Navigation, or of any other law now in force in either Kingdom, as shall be contrary to, or inconsistent with, the Union, shall be on both sides repealed.

The paper offered by the Scots differed only materially from this, in that in the second Article the words “and upon the Home Consumpt” were left out, and so need not to be inserted.

After reading of which, the Scots Commissioners withdrew; and returning within a little, the Duke of Queensberry told their Lordships for England, that they had taken notice of some things in the paper offered by their Lordships, which did not seem properly to fall under the head of Trade, as the duties on Home Consumpt. The English insisted that it did. So it was moved that there should be a conference on this matter Saturday next.

Die Saturni, January 2, 1702-3.

AT the Conference the following Articles were agreed on, and ordered to be inserted in the Journals, the English having been satisfied that the Imposition on Home Consumpt should be reserved to a conference at next meeting, which was appointed to be upon Monday thereafter.

Agreed by the Lords Commissioners for both Kingdoms in the Terms of the Preliminaries, and to take place when the Union shall be compleated.

1. That there be a Free Trade between all the Subjects of the Island of Great Britain without any distinction, in the same manner as is now practised from one part of England to another ; and that the Masters, Mariners, and Goods, be under the same securities and penalties in the Coasting-trade.

2. That both Kingdoms be under the same regulations and prohibitions, and liable to equal impositions for Importation and Exportation, and that a Book of Rates be ajusted for both.

3. That the subjects of both Kingdoms, and their seamen and shipping, have equal Freedom of Trade and Commerce to and from the Plantations, under such and the same Regulations and Restrictions as are and will be necessary for preserving the said Trade of Great Britain ; and that the seamen of Scotland be equally liable to the public service, as the seamen of England now are.

4. Such laws, part or parts of the Act of Navigation, or of any other law now in force in either Kingdom, as shall be contrary to, or inconsistent with, the Terms of the Union, shall be on both sides repealed ; and that an Act of Navigation be framed and adapted to the Terms of the Union.

Die Lunæ, 4 January, 1702-3.

THE Lords Commissioners from Scotland being met, there not being a *quorum* of the English, they adjourned to the 8th instant ; and, upon the like disappointments on the part of the English, they further adjourned three several times, without doing any business, the last of which was to the 12th instant.

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Die Martis, 12 January, 1702-3.

THE Commissioners of both sides being met, they had a long conference in relation to the Home Consumpt ; in which the English seemed positive, that an equality of impositions throughout the United Kingdom is absolutely necessary, but seemed inclinable to condescend, that Scotland should be exempted from all Excises and Duties laid on for payment of debts contracted by England before the Union, but that Scotland should be subject to such duties as should be laid on for exigencies after the Union; and adjourned to the 18th instant.

Die Lunæ, 18 January, 1702-3.

THE Duke of Queensberry, for the Lords Commissioners for Scotland, acquainted their Lordships of England, that they had drawn up some Articles, as the result of their last conference, in which they had yielded as much in the several points therein-mentioned as possibly they could; which Articles were read, and taken into consideration by the Lords Commissioners for England against the next meeting, which was appointed to be upon the 20th instant.

Follows the Articles offered by the Scots.

1. That neither Kingdom be burdened with debts contracted or to be contracted by the other before the Union; and that no other or greater Excise, or other Duties on Home Consumption, or Inland Taxes, be raised or imposed within that part of the United Kingdom now called Scotland, than these now on foot there, till the debts of England, contracted or to be contracted before the Union, be fully satisfied and paid.

2. That, after payment of the English debts as aforesaid, that part of Britain now called Scotland shall be subject to the survey of the Parliament of Great Britain, and be liable to such Excise, and other Home Duties, as shall, by the said Parliament, be thought just and suitable to the circumstances of that part of the United Kingdom for the time; provided, that the proportion of Inland Duties and Impositions of that part of the United Kingdom, shall not then, or ever after, be more than that of the neighbouring counties of the now Kingdom of England.

3. If any goods or merchandize of the native product of Scotland, not liable to any Excise or Imposition there, shall be transported from Scotland to England

by sea or land, the said goods and merchandize when brought into England shall be liable to the same Duties, and no other, which might have been raised or exacted if they had been of the native product of England.

4. As an equivalent to Scotland for becoming subject to the same regulations with England in Export and Import, and for the encouragement of Fishing and Trade, and Manufactory in Scotland, that out of some effectual branch of the revenue, arising from that part of Britain now called Scotland, there be 10,000*l.* yearly, after compleating the Union, appropriated towards carrying on the Fishery, and improving the Manufactures and native product there, as shall be directed and ordered by Commissioners and Trustees to be named for that purpose.

5. That 48,000*l.* shall be reckoned as the just proportion of Scotland in the 4*l.* rate of land-tax, and so proportionally in all Land-taxes in time coming.

Die Veneris, 22 January, 1702-3.

THERE not being a *quorum* of the English, and the Scots being met in their own chamber in the Cock-pit, the Marquis of Normanbie and Earls of Pembroke and Notingham came unto them from such of the English Commissioners as were met in the Council Chamber, to signify that they were so much ashamed of the frequent disappointments they had given them, that, for preventing the like for the future, they had resolved amongst themselves to apply to her Majesty for a new Commission under the Broad-seal, in which seven might be named a *quorum*.

After these Lords withdrew, the Scots Commissioners considered the proposition, and having caused read their own Commission, by which they are authorised to treat with Commissioners to be named by her Majesty under the Broad-seal of England, their sufficient number, which is not specified, they thought themselves sufficiently warranted to treat with that number of the English which should be determined by the Commission under the Great-seal of England, and of this they acquainted the English, by the Marquess of Annandale, Earl of Seafield and Viscount of Tarbat, and then adjourned to Saturday the 23^d instant.

Die Saturni, 23 January, 1702-3

THE Commissioners being met, the English gave in a new Commission under the Broad seal of England, whereby seven were appointed a *quorum*; and the same being read, the Lord Keeper offered in writing the following considerations upon the Articles in reference to Home Consumpt offered by their Lordships
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of Scotland on the 18th: which Considerations being read were by the Scots Commissioners taken into consideration till next meeting, which was appointed on the 27th instant, and a Conference appointed on the 26th instant.

Follows the Considerations offered by the English.

1. **A**S to the former part of the first Article, viz. that neither Kingdom be burdened with the debts contracted, or to be contracted, by the other before the Union, it being the same *in terminis* with the 5th proposition delivered by your Lordships on the 9th December; the observation made then may suffice for a reply to it now, viz. that though the debts of England have been contracted by a long war, entered into more particularly for the preservation of England, and the dominions thereto belonging, yet Scotland has had its share in the benefits which have accrued to Great Britain in general from the opposition that has been made to the growth and power of France, and have encreased the number of their seamen considerably, by the employment they had in the Coast-trade of England during the war. But as it is necessary they should be under equal impositions with regard to the balance of trade and manufactories when the Kingdoms shall be united, and a Free Communication of native product settled, so it may be reasonable that the money, so raised upon that part which is now called Scotland, should be applied to the security and protection of Scotland, and the Trade thereof: nor does it follow, that because the duties now raised on particular funds in England are appropriate for payment of debts, that therefore, when the like duties are laid on in Scotland, they must be applied in the same manner: but for their Lordships to propose that there be no other duty in Scotland than these now on foot there till the debts in England contracted, or to be contracted, before the Union, be fully satisfied and paid, sets the present trade on an equal foot (which is intended by an equality of impositions) at such a distance, as gives little hopes to any now alive of coming at it; for one of the nine pences on beer and ale, being the fund of the first Million Act, anno 4 and 5, of the late King and Queen, was granted for 99 years; one nine-pences more (which is the fund of the lottery) for about eight years yet to come; one nine-pences more (which is the Bank-fund) inheritance to the Crown; as are also the several duties upon salt, and half that on stamped paper, though in these latter duties there are clauses of provision for redemption; but whilst it is insisted, that there shall be no other nor greater in Scotland than are already paid there, it may be presumed that these already mentioned are enough to prevent the necessity of enquiring into the number or proportion of what they have in Scotland, where if, by exemption from such duties, a clothier can subsist himself

at *4d per diem*, whereas he cannot subsist in England under *8d. per diem*, then such manufacturers who shall go thither will be able to undersell, and consequently out-trade those that stay in England, half in half, in what relates to their labour, by subsisting so much cheaper; but the workmanship of every pound of wool made in cloth advances the value of it near nine parts in ten for its first cost.

2. As to the second Article, their Lordships say, that duties upon the Home Consumption require to be equally laid on all the parts of the United Kingdoms; nor do the Northern Counties of England pay less duties of Excise (as seems here suggested) than the Mid-land, but rather more in proportion to the value of their counties and commodities excised.

3. As to the third Article, it is needless to debate upon it till the first be settled, these two depending the one upon the other. If indeed the Lords Commissioners for England should think it expedient to exempt Home Consumption of Scotland from any new duties, for some reasonable period of time, till that Kingdom began to reap the benefit of the Free Communication of Trade intended by the Union, then their Lordships will insist that such commodities as pay duties in England may be cleared with the same duties when they are exported or brought out of Scotland into England, and upon some other provisions which will be requisite to prevent frauds in her Majesty's revenues.

4. As to the 4th Article, the Lords Commissioners for England say, that the Free Communication, especially of the Foreign Trade, to which in the terms of the preliminaries their Lordships have assented, is so great a benefit to Scotland, that they did not expect an equivalent should have been mentioned, for the equality of Imposition on Importation and Exportation; besides, their Lordships say your Lordships have already agreed upon an equality of impositions as to foreign trade, both as to Exportation and Importation.

5. As to the 5th Article, it will be impossible to determine this point till their Lordships shall be informed of the value of the lands in Scotland; and this may be further debated when their Members or Representatives in the Parliament of Great Britain shall be settled.

Die Mercurii, 27 January, 1702-3.

THE Commissioners for the Conference having met on the 26th instant, the Scots Commissioners thought it best to give answers in writing to the Considerations offered by the English, which might be entered in the books with the Considerations, and gave them in accordingly, which prevented the Conference, for the English desired to consider the answers till next meeting, which was appointed on the 28th instant.

Die Jovis, 28 January, 1702-3.

THE Commissioners having met, the Lord President, on the part of the Lords Commissioners for England, offered the following paper, as their Lordships' sense of the Conference at the preceding meeting, which was read as follows :

The Lords Commissioners for England agree, that neither Kingdom shall be burdened with the debts of the other contracted before the Union, and that no duties on Home Consumption, or taxes to be levied from Scotland, shall be applied for payment of the English debts; and whatever time may be fit to be allowed to Scotland to reap the benefit of the Communication of Trade, and enable them the better to pay duties on Home Consumption equal to England, is most proper to be determined in the respective Parliaments of both Kingdoms.

Then his Lordship offered, on the part of the Lords Commissioners for England, an answer to the proposition made at the last meeting by their Lordships of Scotland; which was read as follows :

As to the last Proposition, delivered the 27th instant, their Lordships say, it has been found by experience, that Two Companies existing together in the same Kingdom, and carrying on the same traffick, are destructive to trade, and are therefore of opinion, that to agree with this proposition will be inconsistent with the interest of Great Britain.

The Lords Commissioners for Scotland withdrew, to consider these papers; and returning to the Council Chamber, my Lord Duke of Queensberry acquainted their Lordships of England, that the Lords Commissioners for Scotland would consider their Lordships' answer to their proposition about the Company against the next meeting; that they had now prepared for their Lordships what they

took to be their sense of the paper they had received from their Lordships, which was read as follows :

The Lords Commissioners for Scotland understand the paper given in by their Lordships in this sense ; that neither Kingdom shall be burdened with the debts of the other contracted before the Union, and that no duties on Home Consumption, or taxes to be levied from Scotland, shall be applied to the payment of English debts ; and that a time be allowed to Scotland to reap the benefit of the Communication of Trade before that Kingdom become liable to pay other or greater duties on Home Consumption, or Inland Taxes, than those now on foot ; and that it is most proper to be determined by the respective Parliaments of both Kingdoms how long that time of exemption shall subsist. This paper their Lordships of England took into consideration against next meeting.

The Duke of Queensberry moved, that since they were so near agreeing on this matter, which was only the first of the Articles offered on the 18th instant, that they should proceed to the consideration of the other Articles.

And accordingly the second of the said Articles was read, and the Consideration and Answers relative thereto were spoke to by the Lords Commissioners on both sides ; but before coming to any resolution, their Lordships adjourned to the 30th instant.

Die Saturni, 30 January, 1702-3.

THE Commissioners having met, the Lord President of the Council, on the part of the Lords Commissioners for England, acquainted their Lordships of Scotland, that they had drawn up an Article in reference to the matter which had been the subject of conference at the two last meetings, which he hoped would give their Lordships full satisfaction.

The said Article was read ; and the said Commissioners for Scotland having withdrawn to consider the same, and returning to the Council-chamber, my Lord Duke of Queensberry acquainted their Lordships of England, that the Lords Commissioners for Scotland had agreed to the Article as given in by their Lordships, understanding their Lordships' sense of the last clause to be such, as that it relates to the length of the time to be allowed to Scotland.

Ordered, That the said Article be insert in the Journals of this day, as agreed on between the Lords Commissioners of both Kingdoms.

Agreed

Agreed by the said Commissioners of both Kingdoms, that neither Kingdom shall be burdened with the debts of the other contracted before the Union, and that no duties on Home Consumption, or Taxes to be levied from Scotland, shall be applied to the payment of English debts: And that some time is to be allowed to Scotland to reap the benefit of the Communication of Trade, and enable them the better to pay duties on Home Consumption equal to England, but that it is most proper to be determined in the respective Parliaments of both Kingdoms.

Ordered, That the Journals of what has been transacted hitherto be made ready by the Secretaries, to be read over at the General Meeting appointed to be on Monday the first of February.

Die Lunæ, 1 February, 1702-3.

THE Lords Commissioners having met, the Lord Duke of Queensberry moved, on the part of the Lords Commissioners for Scotland, that, the first of the Proposals offered on the 18th of January being adjusted, they should proceed to the consideration of the other Articles; whereupon the second and subsequent Articles were read severally, and spoke to by the Lords Commissioners on both sides; but their Lordships came to no resolution on any of these Articles.

The Duke of Queensberry acquainted the Lords Commissioners for England, that their Lordships of Scotland, having considered their Lordships' answer to their Proposition of the 27th of January, about the Company trading to Africa and the Indies, they did offer to their Lordships the following paper, which was read, and taken into consideration by the Lords Commissioners for England, and is as follows:

By the Lords Commissioners for Scotland.

THEIR Lordships do still insist for preserving and securing the Privileges of the Scots Company trading to Africa and the Indies, because the Undertakers did, on the public faith of the Kingdom, advance a stock of 200,000*l.* or thereby; and it is not unknown to your Lordships what part the generality of the Kingdom, and also the Parliament of Scotland, did take in the discouragements and disappointments the said Company did receive, as is fully expressed in the Address of the Parliament to the late King.

2. Their Lordships conceive, that the privileges of the Scots Company may consist with the English East India Company, or any other English Company which are circumscribed to the present limits of England; and it is not proposed that the privileges of the Scots Company should be extended beyond the bounds of Scotland, so the several Companies do not interfere.

3. If the existing of Companies for carrying on the same traffick do appear to your Lordships destructive of Trade, it is not expected that your Lordships will insist that therefore the Privileges of the Scots Company should be abandoned, without offering at the same time to purchase their right at the publick expence.

And then they adjourned to Wednesday the 3d instant.

Die Mercurii, 3 February, 1702-3.

THE Commissioners having met, and there being a letter from the Queen to adjourn their meeting;

In the name of the Commissioners for England, said, that, since her Majesty is pleased to adjourn our meeting, there are some things so essentially necessary to compleat the Union of the Two Kingdoms, that we think ourselves obliged to mention them before we part, that on both sides we may come the better prepared to settle them at our next meeting, particularly the Constitution of the Parliament, the affairs of the Church, and the Municipal Laws and Judicatories of Scotland, for the security of the properties of the subjects of that Kingdom.

And then the Queen's Letter, adjourning them to the 4th of October next, was read, as follows:

A. R.

“ **R**IGHT trusty, and right intirely beloved Cousins and Counsellors, right
 “ trusty and right well beloved Cousins and Counsellors, right trusty and
 “ well-beloved Counsellors, and trusty and well-beloved; we greet you well:
 “ We are extreemly pleased with the accounts we have received from time to
 “ time in your proceedings of the Treaty of Union between our Two Kingdoms;
 “ and though there be some very important matters still remaining to be adjusted
 “ (the consideration whereof may require more time than our other weighty
 “ affairs will now allow), yet the great progress you have already made, beyond
 “ what

“ what has been done in any former Treaties, gives Us good hopes, that at
“ your next meeting this will be brought by your good endeavours to an
“ happy conclusion ; to the end, therefore, that ye may duly consider by yourselves
“ all such other things as may be necessary to compleat the Union, and that
“ ye may attend upon your other affairs in your respective stations, where our
“ service requires you, we have thought fit to adjourn, and accordingly do ad-
“ journ your meeting on this Treaty unto Monday the fourth day of October
“ next. Given at our Court at St. James’s, the 3d day of February, 1702-3.

*To the Commissioners appointed for treating of an
Union between Our Two Kingdoms.*

I N D E X

T O

DE FOE'S HISTORY OF THE UNION.

A.	Page.	Page.
A BERCORN, Earl of, protests against part of the 18th Article	-	450
— Protests against part of the 22d Article	-	462
ADDRESSES sent to the Queen from every part of Scotland, on the apparent danger of a French invasion	-	13
— From the General Assembly, against the use of the Liturgy	-	20
ADDRESSES TO THE PARLIAMENT OF SCOTLAND AGAINST THE UNION.		
— Convention of Royal Boroughs	-	245
— Commissioners of Assembly	-	255
— Commissioners address a second time	-	258
— The Glasgow rabble	-	266
— Midlothian, Linlithgow, and Perthshire	-	307
— Stirling, Dumbartoun, Linlithgow, Dunkeld and Dyfert	-	329
— Commissioners of the Royal Boroughs, Renfrew, Fife, Falkland, and Hamilton	-	334
— Commission of the General Assembly	-	335
— Tullialan, Dumferling, Borrowstouness, Blantyre, and Avendale	-	335
— Forfar, Cambusnethan, Cambuslang, Kellbryde, Bothwel and Old Munkland	-	337
— Crail, Easter Munkland, Shotts, Dalfert, Stenhofe, a body of people in the South and Western Isles, and Kircudbright	-	339
ADDRESSES from Covington, Carstairs, Symontoun, Libertoun, Quothquan, Dunfyre, Rutherglen, Carnwath, and Lanerk	-	344
— Glasgow, Gorbels, Biggar and Lanerk	-	345
— Kircudbright, Crawford, Crawford-John, Couper in Fife, and Lanerk	-	353
— St. Andrews	-	365
— Paisley	-	367
— Glasgow, Culrofs, Saline, Carnock, Torie, Stirling, Annandale, and Innerkeithing	-	368
— Roxburgh, Annan, Lochmabben, and Lefmahago	-	372
— Mid-lothian	-	375
— St. Ninian's and Dunbar	-	377
— Air and Burnt Island	-	385
— Air, Glenstons, and New Galloway	-	387
— Douglafs, Carmichael and Petinean	-	397
— Dumblain, Hamilton, Caputh, Lethendy, Alyth, Kinlock, Errol, Kilspendie, Kinnard, Inchtute, Longforgan, St. Madoes, Kenfauns, Logie, Airth, Larbert, Dunipace and Deny	-	399
— Berwick	-	410
— Lawder, Chainhilkrik and Calder	-	418
— Mayboll, Kirkmichael, Girvan, Kirkofwald, Barr, and Carrick	-	425
— Aberdeen, Kincardine, Stone-haven, and Peterhead	-	450

	Page.
ADDRESSES from Perth	407
— Observations on the design of procuring the addresses, and on the addresses	331
— Counter addresses thought of, but as it would be a kind of polling the nation, and tend to general confusion, laid aside	332
— Letters are written to the Addressers in every part of Scotland, desiring them to assemble at Edinburgh, on pretence of waiting the effects of their addresses, with the proceedings of Parliament thereon	434
— Only three Presbyteries addressed against the Union	438
— Copy of the address of the burgh of New Galloway, as a proof of the respect due to such addresses	631
ADMIRALTY, trials there settled on a new footing at the Union	1
— A new Admiralty fixed	1
— Jurisdiction to be under the Lord High Admiral of Great Britain	155
— Court of Admiralty for private right, to be continued in Scotland	157
— Observations on the proceedings respecting Admiralty	159
— Observations on the proceedings respecting the Court of	457
— A Court of, erected in Scotland	579
ADVOCATES in Scotland, such as the counsellors of law in England	449
AFRICAN COMPANY, the settling the affairs of, tended to prevent the Union proposed in 1702	65
— Account of	66
— Open books for subscriptions at London and Hamburgh	66
— Opposed by the English East India Company	66
— The ship Worcester seized as a reprisal for one of their ships being seized in the Thames	78
— Privileges to remain after the Union	169
— Objected to by the Commons of England, who propose a satisfaction	176
— The fund to be discharged out of the equivalent	177
— Observations on the proceedings respecting	178
— Trade from Scotland to, of small value	314
— Proceedings concerning it	438
— Observation on the proceedings	440
— Stock offered to be sold for 10 per cent.	441
— Stock to be repaid with interest out of the equivalent	443
— Proceedings on the report of the Committee on	511, 512, 513
— The report of the Committee	513

	Page.
AFRICAN COMPANY, the total stock advanced by the proprietors with interest, to May 1, 1707	£. 229,482 15 1 $\frac{1}{2}$
Debts due by the Company	14,809 18 11
Both sums amounting to	244,292 14 0 $\frac{5}{8}$
Money let to proprietors	1,126 13 9 $\frac{5}{8}$
Due to the proprietors	243,166 0 3
Debts due to the Company by the proprietors	22,951 3 0 $\frac{7}{8}$
The dead stock of the Company, the whole to be allowed for trouble and expences	1,654 11 0 $\frac{3}{8}$
— Orders respecting the payment to the proprietors	514
— Directions for the application of the dead stock	518
— Other proceedings	519
— Paid fully off, and the Company died away	520, 521, 524
ALEXANDER III. of Scotland, a great instance of the vicissitude of royal state	592
— With his Queen, visit the court of Edw. I.	37
— Loses his Queen, both his sons and his daughter	37
— Marries Joletta, daughter of the Earl of Drex	37
— Is killed by a fall from his horse	38
ALLEGIANCE, proceedings against ministers in Scotland for not taking the Oath of	38
ANDERSON JAMES, allowed 1,200 <i>l.</i> a year for six years, in consideration of his trouble in making collections and search after the antiquities of Scotland	17
ANNANDALE Marquis of, and others, protest against the third article	455
— Names of the protestors	354
ANNE Queen, her speech to the Commissioners of the Union, May 21, 1706	355
— Her speech to the Commissioners June 26, 1706	139
— Her answer to the Commissioners at the conclusion of the Treaty, July 23, 1706	180
— Her letter to the Parliament of Scotland at the opening of the session	196
— Her speech at opening the Parliament, December 3, 1706	215
— Her speech at passing the Act of Union	483
— Her letter to the Commissioners on the Union in 1702, at their meeting	486
— Her speech to the Commissioners of 1702, December 14	730
	738

	Page.		Page.
ANNE Queen, her letter to the Commissioners, Feb. 3, 1701-3, to October 4, and they never met again - - -	751	B.	
<i>Apothecaries. See Surgeons.</i>			
APPEAL, scheme respecting appeal in private causes, to the Peers - - -	159	BALIOI JOHN, claims the Crown of Scotland	43
ARMY, the foot guards of Scotland received as English guards, the command given to the Marquis of Lothian, and clothed in the English manner - - -	574	— Accepts the Crown on base terms offered him by Edw. I. - - -	44
ARTICLES of Union as treated of, at London	197	— Breaks with Edw. I. in which Baliol was crushed - - -	45
— As they passed the Parliament of Scotland	527	BANFF Lord, turns Protestant, signs the For- mula, and takes the Oath of Allegiance	286
— As exemplified by the Parliament of Eng- land - - -	543	BEER, calculations respecting the Excise on	380
ASSEMBLY, Commission of, address the Par- liament of Scotland against the Union	255	— Difficulties respecting the Excise on	583
— Their prudence and steadiness	255	BEILHAVEN Lord, his famous speech against the Union - - -	317
— An Act for the security of the Church, read and ordered to be printed - - -	255	— Scotland, a free and independant kingdom, giving up the power of managing her own affairs - - -	317
— Endeavours made to persuade the people, that the act is not sufficient for the security of the Church - - -	255	— A national Church, descending on a level with sectaries - - -	317
— Address the Parliament a second time	257	— An honourable peerage, put on a foot with their vassals - - -	317
— Protest against the second Address, by the Earls of Rothes, Marchmont, and others	258	— Royal Boroughs, wormed out of their old trade - - -	317
— Deputed from the General Assembly	233	— Learned Judges, studying the common law of England - - -	318
— Address Parliament for a security of the Presbyterian Church - - -	234	— A soldiery, sent to learn the Plantation trade - - -	318
— They appoint a general fast - - -	235	— Tradesmen, loaded with taxes, drinking water instead of ale, and eating saltless pot- tage - - -	318
— Their proceedings tempered with modesty, calmness, and discretion - - -	243	— Plowmen, with corn spoiling for want of sale - - -	318
— Their address read in the Parliament of Scotland, and promised to be considered, before they vote on the Treaty	292	— Pretty daughters of landed men, petition- ing for want of husbands, and their sons for want of employment - - -	318
— Not satisfied with the Address being put off - - -	293	— Mariners, delivering up their ships to Dutch partners - - -	318
— Representations and petition of the Com- missioners - - -	335	— Caledonia sitting in the midst of our senate, attending the fatal blow - - -	318
— Observations on the representation, &c.	336	— His second speech, on the succession	347
— Order for a day of general prayer and sup- plication - - -	606	— He compares the Union with Satan de- ceiving Eve - - -	348
— Copy of their petition to the Duke of Queensberry - - -	608	— Observations on this speech - - -	351
— Copy of their representation and petition to the Duke of Queensberry	618	BIRTHS, marriages, and burials, proceedings on the duty on - - -	127
ATHOL, Duke of, opposes the Union	236	BORDER LAWS to be extinguished by agreement of the Commissioners of the Union, ap- pointed by James I. - - -	718
— And others protest against the 8th Article	450	BUCHAN, Earl of, protests against the 22d Article	460
— Protests against the 22d Article	460	— Names of those who adhered to this pro- test - - -	461
— Names of those who adhered to this pro- test - - -	461	— This protest protested against by the Earl of Marchmont and others - - -	463
— This Protest protested against by the Earl of Marchmont and others - - -	463	— Agreed, that these protests shall not be entered in the minutes, but inserted in the record - - -	465
— Agreed, that those protests shall not be entered in the minutes, but inserted in the records - - -	465	BYNG Sir George, commands the English fleet appointed to prevent the French invasion	5
		— The French fleet escapes him, and gets to Scotland two days before him - - -	5
		— He pursues them and takes the Salisbury	6

	Page.		Page.
C.		ceedings respecting it	504
CALDERWOOD's History of the Church of Scotland, extract from (the original MS. is in the British Museum, Ayicough's cat. No. 4734—4739)	25	— Article XVI. as settled in the Parliament of Scotland	520, 521, 535
CAMPBELLIANs oppose the Union	249	— Article XVI. as exemplified in England	552
— Tenacious of their opinions	249	— Proceedings after the Union for reform in Scotland	596
— Two hundred of them burn the Articles of Union, with the names of the Commissioners at Dumfries	250	— One penny allowed on each English shilling, and a proclamation that the whole are to be exchanged in one day	597
— Their number exaggerated to 6000, 7000, or even 12,000	250	— 150,000l. sterling of foreign silver money brought in	597
— Afterwards behave with great coolness and discretion	251	— Denomination of money in Scotland at the Union	597
CARLISLE received 2500l. for their right of toll on Scotch cattle	406	— Scotch money passed to Sept. 1708	599
CHARLES II. 40,000l. <i>per ann.</i> settled on him by the Parliament of Scotland, in lieu of a cess	133	COLLEGES of Scotland secured by the Act of security	337, 340
CHURCH. Overture of an Act on the plantation of Kirkes	504, 506, 508, 510	COLLEGE of Justice, of whom composed	449
CHURCH OF ENGLAND. What is that to called	26	— Article XIX. Of Union respecting it, as settled by the Commissioners	305
CINDERS. Proceedings of the Commissioners on the Duty on	138, 144, 147	— Proceedings in the Parliament of Scotland on Article XIX	305, 44, 448, 451
— Article XII. Of Union respecting, as settled by the Commissioners	200	— Article XIX. As settled by the Parliament of Scotland	536
— Proceedings in the Parliament of Scotland on	295, 388	— Article XIX. As exemplified in England	553
— Article XII. As settled by the Parliament of Scotland	532	CONSCIENCE, persecution for, what it is not, and what it is	23
— As exemplified in England	549	CONSTITUTION of Scotland. The alteration it received by the Union summed up	601
COALS. Proceedings on the Duty on	127, 144	CONSTABLES established in Scotland	593
— Article XII. of Union respecting, as settled by the Commissioners	200	CONVENTION. The letter of, sent to William III	311
— Proceedings in the Parliament of Scotland on Article XII	295, 388	COOPER, William, Lord Keeper of the Great Seal his Speech on opening the Commission of Union	114
— Article XII. As settled in the Parliament of Scotland	532	— His Speech to the Commissioners of Union	1702, 729
— Article XII. As exemplified in England	549	COURTS of Judicature and Justiciary to remain as before the Union	148
COIN. Reformed to the English Standard, at the Union	1	— Article XIX. Of Union respecting, as settled by the Commissioners	204
— Proceedings on settling the value	167, 168, 184, 186	— Proceedings in the Parliament of Scotland on Article XIX	305, 445, 448, 451
— Loss on the new coinage to be paid out of the equivalent	177	— Of whom composed	449
— Article XVI. Of Union respecting, as settled by the Commissioners	203	— Article XIX. As settled in the Parliament of Scotland	336
— Proceedings in the Parliament of Scotland on Article XVI.	297, 444,	— Article XIX. As exemplified in England	353
— Proceedings for the regulation of, in Scotland	442, 456	COVENANT and Solemn League made a plea against the Union	221, 247
— Loss by the reduction of the value to be paid out of the equivalent	443	— How far the Union was against it	248
— Deficiency of English silver money made good	446	— Dr. Rule's opinion of the Covenant	228, 247
— All the English silver money brought in on one day	447	CRIMINAL Process in Scotland, alterations made in it	595
— Proclamation relating to approved, 1100		CROMWELL, Oliver, hit on the only step to fix a Union	103
		— Rendered Scotland happy and prosperous, by conquering it	104

	Page.		Page.
CULM. Proceedings on the duty on		D.	
— Article XII. Of the Union respecting it,	127, 144	DE FOE , Daniel, goes to Scotland in hopes of forwarding the treaty	213
— as settled by the Commissioners	200	— Consulted by several Committees of Parliament	213
— Proceedings in the parliament of Scotland on	295, 388	— Watched and fet by the mob	239
— Article XII. As settled by the Parliament of Scotland	532	— Consulted by the Committees on Duties of Excise on beer &c.	379
— Article XII. As exemplified in England	549	DARRIEN , The affair of, big with necessary abortions	66
CUSTOMS. Commissioners of were appointed at the Union	1	DOUGLAS , Duke of, a protest for him claiming privileges, of leading the van of the arms of Scotland in the day of battle; carrying the Crown of Scotland in processions, and the first vote in Parliament,	478
— Of England at the Union	1, 341, 559 1/2	— The first vote claimed by the Duke of Hamilton	478
— Of Scotland at the Union let at 30,000 <i>l</i> .	123	DRAWBACK , Case of the drawback on fish exported from Scotland from the time of making the Act of Union to the 1st of May,	31
— The laws to be the same in Scotland as England	148	DUTIES , Acts presented to the Parliament of Scotland for the continuance of Duties for private purposes, as repairing bridges, harbours, &c.	372
— An account of the value of the annual sums contributed out of the Customs of Scotland, (according to the present produce) towards the anticipated funds of the Customs of England	189	— Observations on the Acts	374
— Articles VII and XVIII Of Union respecting, as settled by the Commissioners	199, 203		
— Proceedings in the Parliament of Scotland on Article VII and XVIII	199, 203, 208, 292, 297, 298, 305, 376, 378, 385, 388, 445, 450	E.	
— Article XVIII. Of Union respecting	203	EAST INDIA COMPANY , oppose the African Company	66
— Earl of Abercorn and others protest against Article XVIII	450	EDWARD I. The first who made a coalition with Scotland, and afterwards conquered it	36
— Article VII. As settled by the Parliament of Scotland	530	— of England, a marriage proposed between his son, and Margaret of Norway, Queen of Scotland	38
— Article XVIII. As settled by the Parliament of Scotland	536	— Advantages to be expected from this marriage	39
— Article VII. As exemplified in England	546	— She dies at sea	42
— Article XVIII. As exemplified in England	552	— Made umpire in the dispute between Baliol and Bruce for the throne of Scotland	44
— Disputes after the Union on	567	— Offers it to Bruce on terms of submission, who refuses it, but Baliol accepts it on those terms	44
— The Scotch merchants import quantities of goods in hopes of sending them to England after the Union duty-free	568	— Consequent wars between England and Scotland	45
— The English merchants send quantities of tobacco to Scotland to receive the drawback, and afterwards to return it back to England on lower duties	568	EDWARD VI. A match proposed by Henry VIII. between him and Mary Queen of Scots	48
— Proceedings to prevent such abuses	570, 572, 573, 574	— Again revived by the Regency and Council	49
— Proceedings of the Parliament of Great-Britain for settling	575	— Broke off by the French and Popish party	49
— Clandestine practices of the merchants	577	ENGLAND makes vigorous preparations for preventing a French invasion on Scotland	3
— Methods taken to prevent these practices	577	— In no condition for preventing an invasion	4
— Put under a separate collection	579		

	Page.
ENGLAND. Prepares a navy superior to the French and yet the French sail and arrive at the Frith of Edinburg two days before them	4
Disadvantages attending the English fleet in the pursuit	5
In a running fight the Salisbury is taken from the French	6
Preparations made to meet the invasion	6
The probable success of the French, had they made good their landing in Scotland	9
Addresses sent to the Queen from every part of Scotland	13
The names, manners, and language, of the Antient Britons retained in Wales, Cornwall, and Westmoreland	34
The inhabitants so mixed in blood, by the influx occasioned by Commerce, that nearly all national families are lost	34
The national rancour with Scotland	34
A marriage proposed between the son of Edward I. and Margaret of Norway	38
Advantages from such a marriage	39
A dispensation granted by the Pope for the marriage	41
Margaret of Norway dies on her passage	42
Wars between England and Scotland in which 600,000 persons perished	46
Occurrences which tended to prevent a Union	65
Thoughts on the succession after William III.	73
Difficulties in settling the succession	86
Extravagant proceedings of the ministry oblige the Queen to change it	89
Happy effects of the change of ministry	90
and Scotland to be united under the name of Great-Britain	116
Customs at the Union	123
Excise at the Union	123
Formerly seven kingdoms now incorporated	316
State of the trade with Scotland	414
EPISCOPACY, the deposition of, in Scotland	24
Deposed, as the right owner recovers an estate by the law	25
The authority of the exauforate bishops considered	25
The introduction of, made a plea against the Union	221, 247
Objections to the Bishops sitting in the British Parliament	257
EQUIVALENT. Necessity of a scale of equalities	124
Proceedings for adjusting it	175, 176, 182, 185, 186, 187,

	Page.
Manner in which the money paid for the equivalent was disposed of, viz the debts of Scotland, the fund of the African Company, the loss on the coin and the surplus to the encouragement of fisheries, manufactories, &c.	177
Observations on the equivalent	187
Article XV. Of Union respecting, as settled by the Commissioners	201
Proceedings in the Parliament of Scotland on Article XV.	292, 393, 430, 438
A Committee appointed to consult on the equivalent	297
Report of the Committee	393
Lord Beilhaven and others protest against Article XV.	394
Not understood in Scotland	396
Supposed by the Scotch to be repaid in a year	397
Actually ninety years before it will be repaid	397
Observations on the proceedings	431, 440
Mr. Baron Clark's opinion on Article XV.	432
The expences of the Commissioners to be paid out of it, with the sums to be paid to each	499
Article XV. As settled by the Parliament of Scotland	533
Article XV. As exemplified in England	550
Difficulties after the Union in settling the	585
Commissioners appointed by the Queen with their names	586
Disputes on the pretended delay of payment	587
Reproaches against the Union, when the money arrived	589
Only 100,000 <i>l.</i> sent in ready money, the remainder in Exchequer Bills	590
Difficulties raised on account of these Bills	590
ERROL, Earl of, High Constable of Scotland protests against the XXII. Article	460
EXCHEQUER. Trials settled on a new footing at the Union	1
New judges appointed at the Union	1
A Court of, to be established in Scotland	149
Observations on the Proceedings respecting the Court of	457
A Court of, erected in Scotland on the plan of that in England	596
Names of the first Barons	596
EXCISE. Commissioners were appointed at the Union	1
Of Scotland at the Union let at 35,000 <i>l.</i>	124
Of England at the Union 947,602 <i>l.</i>	123

	Page.		Page.
Excise, Proceedings of the Commissioners for regulating it	125	FAST. A general one proposed in the Parliament of Scotland, but adjourned	289
— The laws to be the same in Scotland as in England	146	— The motion made by those who neither fast or pray	289
— An account of the value of the annual sums contributed out of the Scotch Excise towards the anticipated Excise funds of England	190	— Like mariners praying in a storm	290
— Articles VII. and XVIII. of the Union respecting, as settled by the Commissioners	199. 203	— Afterwards introduced by piece meal	290
— Proceedings in the parliament of Scotland on Articles, VII. and XVIII. 199. 203. 208. 297. 298. 305. 376. 378. 385. 388. 445. 450.		— Copy of the order of the Committee of the General Assembly for	606
— Observations on the proceedings	378. 385	— Copy of the Act of the Commissioners	607
— Calculation, respecting the excise on beer	380	FINLAY, a Jacobite, heads the Glasgow Rabble,	274
— Earl of Abercon and others protest against Art. XVIII.	450	— proposes to march with a great army to Hamilton, to join the other discontents	274
— Article VII. as settled in the Parliament of Scotland	530	— Marches at the head of about 45 men, to each of whom he gives a dollar	275
— Art. XVIII. as settled in the Parliament of Scotland	536	— Arrives at Hamilton, where not finding the friends he expected, returns to Glasgow	277
— Art. VII. as exemplified in England	546	— They lay down their arms	278
— Art XVIII. as exemplified in England	552	— The Queen's forces arrive, and seize Finlay and one Montgomery, whom they carry with them to Edinburgh	278
— Disputes after the Union on	567	FISH, proceedings respecting the packing of	172.
— The Scotch merchants import great quantities of goods in hopes of sending them to England duty-free after the Union	568	180	
— The English merchants send quantities of tobacco to Scotland to receive the drawback, and to send it back to England duty free	568	— Article VIII. of Union respecting, as settled by the Commissioners	199
— Proceedings to prevent such abuses	570. 572. 573. 574.	— Proceedings in the parliament of Scotland on Article VIII.	292
— Proceedings of the Parliament of Great Britain for settling it	575	— Proceedings on the drawback of salted fish	420
— Put under a distinct management in Scotland	575	— Observations on the proceedings	420
— Five persons sent from England to regulate it in Scotland	575	FLAGS. The Crosses of St. Andrew and St. George to be joined in	183. 185. 186
— Difficulties in retaining seizures	577	— Article I. of Union, respecting	197
— Put under a separate collection	579	FOURBIN, Admiral, has the command of the French fleet designed for the invasion of Scotland	4
— Public clamours against seizures.	582	FRANCE prepares for an invasion, dangerous to the Union	2
— Difficulties respecting the Excise on beer	583	— Preparations made for it, at Dunkirk	2
— Names of Commissioners of	585	— Dispirited from the intended invasion	3
— Difficulties on account of private rights	585	— Embark troops for the invasion	4
EXPORTS, from Scotland to England before the Union above 200,000<i>l.</i> annually	96	— Sail from Dunkirk, March 6	4
		— Arrive at the Frith of Edinburgh two days before the English fleet	4
		— Advantages which attend the sailing of the fleet	5
		— The fleet makes the coast of Scotland, March 12,	6
		— The fleet is obliged to put to sea	6
		— Is pursued by the English, and the Salisbury taken, which ends the war.	6
		— Their probable success, had they made good their landing	9
		— The Union strengthened by the invasion	11
		— Formerly divided into 12 states, now incorporated	316
		— State of the trade with Scotland 100,000 <i>l.</i> balance used to be paid by France,	413
		— Reasons why France might wish to prevent the Union	432
			G.

F.

FAST. Abstract of the Act of General Assembly for a general fast in April 1708	12
— The good effects of this fast	13
— A public one proposed, and by some objected to	233

G.		Page.		Page.
GLASGOW RABBLE, account of		266	GREEN, Capt, and his men, executed for sup-	
— First raised by a fast sermon		268	posed murder and Piracy	79
— Go to the Provost and demand, whether he			— The source of national discontents between	
will address against the Union, which he			England and Scotland	82
refuses		269	GRIFFIN, Lord, embarks with the Pretender	
— An uproar raised		269	for the Invasion of Scotland	4
— The Provost's and the Laird of Blackhouse's			— Is taken on board the Salisbury, sent to	
windows broke, and in part pillaged		270	the Tower, sentenced as an outlaw, but	
— A mob address procured		270	relieved at the instance of the Dauphin	15
— Jacobites and Papists at the bottom of it		271		
— The Second Rabble		271	H.	
— Ill-treat the Provost, who providentially			HAMILTON Duke of, opposes the Union	236
escapes		272	— Receives fancied honours from the mob	236
— Are masters of the Town		272	— His protest, claiming the first vote in	
— Seize the arms of those who were in favour			Parliament	478
of the Union		272	HEAD-BOROUGHs established in Scotland	593
— Opposed by the Citizens		273	HENRY VIII. proposes a match between his	
— Finlay, a Jacobite, becomes leader of		274	daughter Mary, and James V. of Scotland	
— Proposes to march with a great army to			— The match rejected by James	47
Hamilton, to join other discontents.		274	— Proposes a match between his son and a	
— Marches at the head of 45 men, to each			daughter of James	48
of whom he gives a dollar		275	— The match broke off by French and	
— Further disturbances at Glasgow		276	Popish parties	49
— Finlay returns, and the rabble lay down			HERALDS, Lyon King at Arms, gives in a me-	
their arms, and disperse		278	morial on the 24th Article	474
— The Queen's forces arrive and siege Finlay			HERETABLE Offices, Article XX. of Union,	
and Montgomery		278	respecting	205
— Again collect, and oblige the Magistrates			— Proceedings in the Parliament of Scot-	
to send to Edinburgh to demand the			land on Article XX.	456
prisoners, which is refused.		279	— Article XX. as settled in the Parliament	
— Thus ended the petty war		279	of Scotland	537
— Had its rise in the Jacobite party		279	— Article XX. as exemplified in England	554
— Proceedings in Parliament respecting them		382, 385	HERRINGS. Proceedings respecting the packing	
— Observations on the proceedings		383	of	172, 180
— Their reasons for burning the articles, &c.		614	— Article VIII. of Union as settled by the	
GLENCO, The affair of, tends to prevent the			Commissioners	199
Union in 1702		68	— Article VIII. as settled in the Parlia-	
— State of the affair of		68	ment of Scotland	530
— Extracts from the instructions given to Sir			— Article VIII. as exemplified in England	547
Thomas Livingstone		70	HODGES Mr. writes a large book against an in-	
GREAT BRITAIN. England and Scotland to be			corporate Union	223
united under that name		116	HOLLAND. Reasons why the Dutch might wish	
— Article I. of Union, respecting, as settled by			to prevent the Union	484
the Commissioners		197	HUGUETAN M. petitions the Parliament of Scot-	
— Proceedings on Art. I. in the Parliament			land for naturalization	453
of Scotland	290, 309, 329, 331		— Some account of him	455
— Stirling, Dumbarton, Linlithgow, Dun-				
keld and Dyfert, address against an incor-			J.	
porating Union		329	JAMES II. of England had no Union in view	
— Article I. voted Nov. 4. 1706		331	but to the Church of Rome	63
— Art I. as settled by the Parliament of Scot-			— IV. of Scotland marries Margaret,	
land		528	daughter of Hen. VII.	46
— Art I. as exemplified in England		544	JAMES	
— Proceedings of the Commissioners of James I.				
on the name		717		

	Page.		Page.
JAMES V. of Scotland, a match proposed between him and Mary, daughter of Henry VIII.	47	LAWS. Article XVIII. as settled by the Parliament of Scotland	536
— The match rejected by James	48	— Art. VII. as exemplified in England	546
JOHNSTON Sir Patrick, one of the Commissioners, ill-treated by the mob at Edinburgh	237	— Article XVIII. as exemplified in England	552
JUSTICES of the Peace in Scotland, nominated by the Privy Council of Scotland, Aug. 15, 1707	583	— The alterations they received by the Union, summed up	601
— Power of, ceased by the dissolving of the Privy Council	584	LEVEN Earl of, writes in pressing terms for assistance	3
— New Justices appointed by the British Parliament in Aug. 1708	584	— Ordered to retreat to Berwick, if he could not prevent the landing of the French	7
JUSTICE, Courts of, to remain as before the Union	148	LITURGY, English, attempted to be introduced in Scotland	19
— No causes in Scotland to be cognizable in England	149	— Representation of the General Assembly against it	20
— The settlement of, in Scotland	592	— Considerations against tolerating of it, in Scotland	27, 29
— Remain as before	596	— Not desired by the people of Scotland	27
K.		— Ought not to be admitted in Scotland, by the Act of Union	31
KINCARDIN Earl of, Sir Alexander Bruce, admitted to that title	288	LOCKHART GEORGE, of Carnwath, protests against the 22d Article	460
L.		— This protest protested against by the Earl of Marchmont, and others	463
LAND TAX in Scotland, at 1s. in the pound, to be 12,000l.; at 4s. 48,000l.	123, 145	— Agreed, that these protests shall not be entered in the minutes, but inserted in the records	465
— Difficulties to fix a fair one in Scotland	129	LORDS of Session, of whom composed	449
— Article IX. of Union respecting, as settled by the Commissioners	200	M.	
— Proceedings in the Parliament of Scotland, on Article IX.	295, 388	MALT, proceedings on the duty on	127
— Art. IX. as settled by the Parliament of Scotland	532	— Article XIII. of Union, respecting, as settled by the Commissioners	200
— Article IX. as exemplified in England	548	— Proceedings in the Parliament of Scotland, on Article XIII.	295
LAWS of Trade, Customs and Excise, to be the same in Scotland as England	148	— Article XIII. as settled by the Parliament of Scotland	532
— Other laws of Scotland to remain in force, but alterable by Parliament	148	— Article XIII. as exemplified in England	549
— Of private right to remain the same, except in cases of evident utility	148	MARCHMONT Earl of, protests against the protests of the Duke of Athole, Earl of Buchan, George Lockhart of Carnwath, and Walter Stuart	463
— All laws, contrary to the Union, to be repealed	167, 168	— Names of the counter-protestors	464
— Articles VII. and XVIII. of Union respecting, 199, 203, 208, 297, 298, 305, 376, 378, 385, 388, 445, 450		— Lord Balmerino, and others, protests against the counter-protest	464
— Article XXV. of Union, laws contrary to the terms of Union to be repealed, as settled by the Commissioners	208	— Agreed, that these protests shall not be entered in the minutes, but inserted in the records	465
— Proceedings in the Parliament of Scotland, on Article XXV.	305, 474	MARGARET of Norway, Queen of Scotland; a marriage projected between her and a son of Edward I. of England	58
— The power of the supreme power of a nation to alter the fundamental laws	361	— Advantages expected to be derived from this marriage	59
— Earl of Aberdeen and others protest against Article XVIII.	450	— She dies at sea	42
— Article VII. as settled by the Parliament of Scotland	530	MARISCHAL Earl, and others, protest against the second Article	340
		— Names of the protestors	346

	Page.
MARSHAL Earl, Protests against the	22d
Article	460
MARY Q. of Scots, a match proposed by Hen.	
VIII. between her and Prince Edward	48
— Again renewed by the Regency and	
Council	49
— Broke off by the French and Popish	
parties	49
— Is conveyed into France	49

Measures. See Weights.

MIDDLETON Earl of, embarks with the Pretender, for the invasion of Scotland	4
— Two of his sons taken on board the Salisbury, and committed to the Tower	15
MILITARY. State of the army prepared to prevent a French invasion in 1707	7
MOBS. The ease with which the common people are deluded into them	265
— A mob address from Glasgow	270
— The little respect to be paid to such addresses	270
MONTROSE Marquis of, made President of the Privy Council	285

N.

NATIONAL DEBT of England. Difficulties on account of	124
— At the Union, 20,000,000 <i>l.</i>	397
— Of Scotland. Considerations on	443
— To be paid out of the equivalent	443
— Proclamation issued for lowering the value of	445
NATURALIZATION. Several petitioners to the Parliament of Scotland for	453
NAVIGATION. Article IV. of the Union respecting, as settled by the Commissioners	198
— Proceedings in the Parliament of Scotland, on the 4th Article	292
— Article IV. as settled in the Parliament of Scotland	529
— Article IV. as exemplified in England	545
NOBILITY. Obstacles to the Union from the	98
NON-JURORS. Proceedings against them in Scotland	17
NOTTINGHAM, Earl of, put out of the place of Secretary of State	89

O.

OATS. Proceedings respecting a bounty on oats exported from Scotland	393, 398
OCCASIONAL BILL, the mischiefs of	89
ORANBY and Zetland. Draught of an act for their dissolution from the Crown, in favour of the Earl of Morton, presented	453

P.

	Page.
PARRICIDE. Punishment of at Rome	321
PARLIAMENT. The first parliament, after the Union, sits with applause	1
— Things done in this Parliament for rendering the Union more effectual	1
— Proceedings in the "Tacking Parliament"	86
— Speakers and arguments of the Commissioners on the number of Scotch members	106
— The Commissioners of England propose 38 members to be sent from Scotland to the House of Commons	156
— Commissioners of Scotland wish for a greater number of members, and propose a conference on that subject	157
— Commissioners of England propose 45 members to the Commons and 16 to the Peers, which is agreed to by the Commissioners of Scotland	163
— Observations on the proceedings for uniting the Parliament	164
— Method in which the 16 Peers and 45 representatives are to be summoned	185, 186, 191
— Oaths and declarations to be made by the Peers and representatives	193
— Article III. of Union respecting, as settled by the Commissioners	198
— Article XXII. of Union, respecting representatives, as settled by the Commissioners	205
— Proceedings in the Parliament of Scotland on the 3d Article	292, 353
— Proceedings in the Parliament of Scotland, on Article XXII. 305, 457, 460, 463, 464, 467	
— Marquis of Annandale, and others, protest against Article III.	354
— Observations on the proceedings on Article against III.	355
— Arguments for and against a Union of Parliaments	356
— Mr. Seton's, junior, speech on Art. III.	360
— Objections to the number of members to be sent by Scotland, removed	362
— Observations on the proceeding in the Parliament of Scotland, respecting representatives	459
— Seven protests against Art. XXII.	460
— On the proceedings on Art. XXII.	462
— Counter protests against Article XXII.	463
— Agreed, that none of these protests be inserted in the minutes, but entered in the records	465
— Observation on the proceedings on the protests	466

PARLIA-

	Page.		Page
PARLIAMENT. Proceedings in the Parliament of Scotland, on choosing the first representatives 488, 489, 492, 493		PROTESTS. Duke of Athol and others, against the Union - - -	320
— Observations on the proceedings 491		— Lord Beilhaven and others, against the Act of Security, with the names - - -	339
— Duke of Hamilton, and others, protest against the proceedings - - -	489	— Earl Marischal and others, against the second Article of Union - - -	340
— W. Cockran also protests 495		— Marquis of Annandale and others, against the third Article, with the names - - -	354
— Thirty representatives to be chosen by the Barons, and fifteen by the counties 493		— Lord Beilhaven and others, protest against the fifteenth Article, with the names - - -	374
— Proceedings respecting persons eligible 494		— Duke of Athol and others, protest against the 8th Article, with the names 426	
— Proceedings on the manner of elections 497, 504		— Against part of the proclamation, against the coming of the addressers to Edinburgh 436	
— Names of the first representatives 507		— Earl of Abercorn and others, protest against part of the eighteenth Article 450	
— Observations on the proceedings 503		— Six protests against the twenty-second Article, viz. Duke of Athol, Earl of Buchan, George Lockhart of Carnwath, Walter Stuart, Earl of Errol, Lord High Constable, and Earl Marshal 460	
— Article XXII. as settled in the Parliament of Scotland - - -	538	— Names of those who adhere to the Earl of Buchan's protest - - -	461
— Article XXII. as exemplified in England 554		— Names of those who adhered to the Duke of Athol's protest - - -	461
PATRICIDE a greater crime than parricide 319		— Earl of Abercorn, against part of the twenty-second Article - - -	462
PEERS. Observations on the right of judicature in the Scotch Peers - - -	159	— Earl of Marchmont and others, protest against the four protests of the Duke of Athol, Earl of Buchan, G. Lockhart, and Walter Stuart, with the names of the counter-protestors - - -	463
— Commissioners of England propose sixteen Scotch Peers, which is agreed to by the Commissioners of Scotland 163		— Lyon King of Arms, memorial on the 24th Article - - -	474
— The Peers of Scotland to be esteemed Peers of Great Britain - - -	166	— For the Duke of Douglas for privileges - - -	478
— Other privileges granted to the Peers of Scotland - - -	167, 170, 172	— Duke of Hamilton, claiming some of the privileges claimed for the Duke of Douglas - - -	478
— Observations on the proceedings of the privileges of the Peers - - -	173	— Some protests in the House of Lords in England against the Union - - -	484
— Article XXIII. of Union respecting, as settled by the Commissioners - - -	207	— Duke of Hamilton and others, against the proceedings on choosing representatives - - -	489
— Proceedings in the Parliament of Scotland on the XXIII. Article - - -	470	— W. Cockran, of Kilmarnock, also protests - - -	490
— Observation on the proceedings 471		— Names of the adherents to both the protests - - -	490
— Allowed to vote by proxy - - -	502	— Earl of Cromarty protests in favour of the shire of Cromarty - - -	493
— Observation on the proceedings 502		— James Sinclair's protest for the shire of Caithness - - -	497
— Article XXIII. as settled in Scotland 539		— Lord Balmerino, and others, protest against the counter-protest, with the names - - -	464
— Article XXIII. as exemplified in England - - -	556	— Agreed, that none of these protests be entered in the minutes, but inserted in the records - - -	465
<i>Physicians, Royal College of.</i> See <i>Surgeons.</i>			
POPE likely to be restored in Scotland by the French invasion - - -	2		
— The deposing of, in England, on the same footing as deposing Episcopacy in Scotland - - -	24		
— Overture of an act against - - -	504		
PRETENDER. The French prepare to invade Scotland, in order to re-instate him - - -	2		
— The Earl of Middleton, and the old Lord Griffin, embark with him - - -	4		
— Sail from Dunkirk, March 6, - - -	4		
PRIVATE RIGHTS , which affected the trade of either kingdom, to be purchased 405			
PRIVY COUNCIL of Scotland dissolved by the Parliament of Great Britain 594			
PROCLAMATION against tumults and rabbles 610			

	Page.
PROVIDENCE, a signal instance of, in bringing Captain Green, and his crew, to punishment	80

Q.

QUEENSBERRY, Duke of, removes all the seeming difficulties, on the part of Scotland, to the Union	99
His prudent conduct in Scotland respecting the Union	211
His speech at the opening of the session	215
Highly insulted by the mob	236
Appointed to represent the Queen in the Parliament of Scotland	285
Insulted in going to and from Parliament	365
Receives private information of designs to assassinate him	366
His speech at closing the Parliament of Scotland	526
Copy of the petition of the Commissioners of the General Assembly	608

R.

RELIGION, state of in Scotland, at the time of the Union	16
Proceedings against ministers for not praying for the Queen, &c.	17
Attempts to introduce the English Liturgy	19
Proceedings to prevent its use	20
What is and what is not persecution for conscience	23
What is to be considered as the Church of England	26
The difference between Toleration in England and Scotland	30
prevented the Union taking place in 1702	76
Affairs of the Church left to be settled by the Parliament of each country	243
Those who had least regard for the Church, made the most noise respecting its safety	244
Opposition made to the Union by the Church, but will not submit to be party tools	255
An Act for the security of, read and ordered to be printed	255
Endeavours are made to persuade the people, that the act is not a sufficient security for the Church	255

RELIGION These disputes wisely kept from the pulpit	263
Proceedings in the Parliament of Scotland, on the Act of Security	334, 335, 337, 339
Representation and petition of the commission presented	335
Observations on the representation, &c.	336
Lord Beilhaven, and others, protest against the Act of Security	339
Names of the protestors	339
Observation on the proceedings on the Act of Security	340
Representation and petition of the Commissioners against Popery, &c.	345
Danger it is in by a Union of Parliaments	359
Act for security, passed	477
REVENUE, settled on a new footing at the Union	1
Of Scotland, estimate of what it may produce after the Union, 216,000 l.	183
REVOLUTION, not established in Scotland without a war	224
ROBERT BRUCE, King of Scotland, instructs his son, "never to make a perpetual amity with England"	36
Claims the Crown of England	43
Edward I. is made umpire in settling the claim of the Crown of Scotland, who offers it to Robert Bruce, on condition of his submitting to Edward, and he nobly refuses it	44
After various fortune, recovers his kingdom and dies in peace	46
ROYAL BOROUGHS, rights of, to remain after the Union	149
Article XXI. of Union, on the privileges of, as settled by the Commissioners	205
Had a convention, or representation of their own, consisting of sixty-six, who, by a majority of twenty-four to twenty, address Parliament against the Union	245
Proceedings in the Parliament of Scotland on Article XXI.	305, 456
Observation on the proceedings	459
Article XXI. as settled by the Parliament of Scotland	537
Article XXI. as exemplified in England	554
Copy of the Address of the Convention of	613
RULE, Dr. his opinion of the Covenant, and Solemn League	228, 248

	Page.		Page.
S.		SCOTLAND. The N. and N. W. parts first in-	
SALISBURY man of war, taken by Sir G. Byng,	6	habited from Ireland	34
from the French	6	— South Parts from the Roman Colonies,	34
SALMON. Proceedings respecting the packing of	172, 180	Danes, Saxons, and Picts	34
— Article VIII. of Union respecting, as	199	— The national rancour with England	34
— Proceedings in the Parliament of Scotland,	292	— Never had any propensity to peace	35
on Article VIII.	292	— Their inveterate and bloody wars	35
— Article VIII. as settled in the Parlia-	530	— More than 200 000 Scotchmen slain in	37
ment of Scotland	530	in the wars with Edward I.	37
— Article VIII. as exemplified in England	547	— A marriage proposed between the son of	38
SALT. Proceedings of the Commissioners on	127, 138, 144, 147,	Edward I. and Margaret of Norway	38
the Duty on	152, 155, 162, 167, 169, 172	— Advantages from that marriage	39
— Difficulties on settling the Duty	142	— Margaret dies on her passage from Nor-	42
— Article VIII. Of Union respecting, as	199	way	42
— Proceedings in the Parliament of Scot-	292, 386,	— John Baliol, and Robert Bruce claim the	43
land on Article VIII.	388, 412, 416, 418, 419, 421, 423,	Crown	43
— Observations on the proceedings	425, 430	— The dispute left to Edward I.	44
— Proceedings relative to the Duty	412,	— Wars between England and Scotland	45
416, 418, 421, 423, 425	387,	— Six hundred thousand persons perished	46
— Observations on the proceedings	417, 419,	in these wars	46
— Article VIII. As settled by the Parlia-	530	— Inconveniencies attending the Union of	50
ment of Scotland	530	the Crowns	50
— Article VIII. As exemplified in Eng-	547	— Commissioners appointed for settling	53
land	547	Commerce in 1666	53
SCOTLAND. The inhabitants supposed to en-		— Occurrences which tended to prevent a	65
courage the French to an invasion in or-	2	Union	65
der to reinstate the Pretender	2	— False reports of arming herself, &c.	84, 87
— The Queen writes to the Privy Council,	3	— Exports to England above 200,000l. an-	96
on the intended invasion	3	nually	96
— Put in a posture of defence	3	— Flourished by Cromwell's conquering it	104
— State of the force raised to prevent an	7	— And England to be united under the	116
invasion	7	name of Great-Britain	116
— The condition of Scotland at that time	8	— Land-tax at 1s. in the pound 12,000l.	123
— Probable success of the French, had they	9	— Customs at the Union let at 30,000l.	124
made good their landing	9	— Excise let at 35,000l.	124
— A fast appointed in April, 1708	12	— Revenue not appropriated to pay any	124
— Addresses to the Queen from every part	13	debt	124
— Good effects of the fast	13	— History of taxation in, since the Restora-	132
— Proceedings against persons taken up	15	tion	132
for encouraging the invasion	15	— Settles 40,000l. per ann. on Charles II.	133
— State of Religion at the Union	16	instead of a cess	133
— Proceedings against Ministers for not	17	— Excise and Customs 1660, did not	133
praying for the Queen, &c.	17	amount to 40,000l.	133
— Proceedings against the use of the Eng-	19	— Five months cess laid on the country	133
lish Liturgy	19	in 1678, and continued 1684, when it was	133
— State of the depolition of episcopacy	24	advanced to eight months cess	133
— An inquiry into the Civil rights	28	— The difficulties brought on by parties	135
		— Some taxes paid in England impractic-	140
		ble to be paid in Scotland	140
		— Quota of future taxes to be settled by	147
		Parliament,	147
		— Laws of Trade, Customs, and Excise	148
		to be the same in Scotland as in Eng-	148
		land	148
		— Other laws of Scotland to be in	148
		after the Union but alterable by Parlia-	148
		ment	148

	Page.		Page.
SCOTLAND. Laws of private right to remain except in cases of evident utility	148	SCOTLAND. College of Justice of whom composed	449
— Courts of Judicature to remain	148	— Courts of Judicatory, of whom composed	449
— No cases of Scotland to be cognizable in England	149	— Advocates, such as Counsellors in England	449
— A Court of Exchequer to be established	149	— Writers, like Attornies in England	449
— Rights of Royal boroughs to remain	149	— Writers of the Signet, persons by whom all processes must be signed	449
— Court of Exchequer propose 38 members to be sent to the House of Commons	150	— Crown, Seepre, and Records, to be kept in Scotland	474
— Court of Admiralty for private right to be continued	157	— Proceedings on settling a seal in Scotland	560
— Court of Scotland wish for a greater number of representatives, and propose a conference on the subject	157	— Justices of peace nominated by the Privy Council, Aug. 15, 1727	533
— Scheme respecting right of Appeal in private cases	159	— New Justices appointed by the Parliament of Great Britain, in August 1728	584
— Court of Exchequer propose 45 representatives in the Commons, and 16 in the Lords, which was agreed to by the Court of Scotland	163	— Proceedings for the settlement of justice in Scotland	592
— Peers of Scotland to be esteemed Peers of Great-Britain	166	— Justices of Peace, Constables, &c. established	593
— Debts of Scotland to be paid of the equivalent	177	— Privy Council of Scotland dissolved by the British Parliament	594
— An estimate of what the Revenue of Scotland may produce after the Union, 216,000 <i>l.</i>	188	— Alterations in the criminal process in Scotland	595
— Article XIV. Of Union, by which Scotland is not to pay former Duties not provided for in the Articles, but to pay all new Duties	200	— Proceedings for a reform in Scotland	596
— Want of money in Scotland, the common measure of trade	312	— Proceedings for the reform of weights and measures	599
— Behind other nations of Europe for trade	313	— The alterations on the Constitution, by the Union, summed up	600
— Poor, and without force to protect her Commerce	313	— The alteration on the laws	601
— State of Commerce in	314	— The alterations of trade	602
— Few advantages to be reaped from France without an offensive and defensive league	314	SEAFIELD, Earl of, his speech on opening the Commission for Union	115
— Cannot extend its trade in proportion to other nations	314	— His speech in favour of the Union	216
— Formerly divided into two kingdoms, now incorporated	316	SEALS, to be only one Great Seal, but the seal of Scotland to be made use of in matters of private right and justice 171, 181, 184, 186	
— Colleges of Scotland secured by the Act of security	340	— Privy Seal, signet and other seals to be continued, but altered as may best suit the Union	181, 184, 186
— Various alterations made in the fundamental laws	361	— Article XXIV. of Union, respecting, as settled by the Commissioners	207
— Sovereignty and independence restored by this Union	362	— Proceedings in the Parliament of Scotland on Article XXIV.	305
Acts presented from several places for the continuance of Duties for private purposes	374	— Art. XXIV. as settled by the Parliament of Scotland	540
— State of the trade with France	413	— Art. XXIV. as exemplified in England	557
— State of the trade with England	414	SECURITY, Act of, tends to prevent a Union proposed in 1702	83
— Advantages to the trade in the first year after the Union	415	— The Scotch refuse to treat respecting a Union before the act to prevent the danger of the Act of Security is repealed, and which is repealed	97
— 200,000 <i>l.</i> paid by England to	415	— England grew uneasy at it, and passed an act to prevent the dangers of it	97
— Lords of Session of whom composed	449	— Read in the Parliament of Scotland, and ordered to be printed	255
		SECURITY,	

	Page.		Page.
SECURITY, Act of, attempts made to persuade the people against it	255	SETON, Mr. should Scotland conquer England with the assistance of France, Scotland would not be bettered by it	314
— Voted in the Parliament of Scotland	259	— Scotland cannot extend its trade in proportion to other nations	314
— Proceedings in the Parliament of Scotland on	334, 335, 337, 339	— Federal Union impracticable between two nations accustomed to a monarchical government	315
— Representation and petition of the commission presented	335	— Spain and Portugal subject to Philip II. under most advantageous conditions, revolt under Philip IV.	315
— Observation on the representation, &c.	336	— Sweden and Denmark are united, the Swedes revolted	315
— Insufficiency of, made a plea against the Union	338	— Spain formerly divided into several kingdoms, ten of them incorporated	316
— Lord Beilhaven and others, protest against it	339	— France divided into twelve states, now incorporated	316
— Names of the protestors	339	— England divided into seven kingdoms, now incorporated	316
— Names of those who voted for and against the Act, to be printed	340	— Advantages of an incorporating Union with England, viz. all the advantages of the commerce which England enjoys; to improve our national product; and our liberty, property and religion secured	316
— Observations on the proceedings on the Act of Security	340	— Disadvantages should the Union be rejected	316
— Passed in the Parliament of Scotland	477	SETON, Mr. junior, of Pittmedden, his speech Nov. 18, in favour of Article III.	360
— For England, drawn up on the plan of that for Scotland	484	— Fundamentals in government, alterable by the supreme power of a nation	361
— Overture of an act	616	— Sovereignty and independency of Scotland, first surrendered to the French by the Treaty, April 4, 1554, and afterwards to the English at the Union of the Crowns, will be restored by this Union	362
SETON, Mr. of Pittmedden, one of the Commissioners, his speech in the Parliament of Scotland, before the Treaty is voted for	312	— Objections against the number of members to be sent to Parliament removed	362
— In which he shews the advantages of the Union of Scotland	312	SEYMOUR, Sir Edward, loses the place of Comptroller of the household	89
— Two kingdoms under one Monarch, the welfare of the strongest is to be preferred	313	SHIPS, Proceedings for the regulation of the ships of Scotland, 169, 171, 172, 180, 184	173
— Money, want of in Scotland, the common measure of trade	313	— Observations on the proceedings	173
— Scotland behind all other nations of Europe for trade	313	— Article V. of Union respecting, as settled by the Commissioners	198
— Scotland poor, and without force to protect its commerce	313	— Proceedings in the Parliament of Scotland on the 5th Article	292, 367, 369
— State of Commerce in Scotland	313	— Art. V. as settled by the Parliament of Scotland	329
— Scotland has an valuable branch of export, in which some more powerful nation does not interfere	313	— Art. V. as exemplified in England	345
— Holland will not suffer Scotland to improve the fishery	314	SINCLAIR James, his protest respecting the representation of the shire of Caithness	497
— All export to England will be discouraged as far as Scotland discourages import from England	314	SPAIN, formerly several kingdoms, ten of them incorporated	316
— East India trade already enhanced	314	STAIR, Earl of, his sudden death, January 8, 1706	401
— Trade of Africa, of small value	314	— His son takes the oaths and test	409
— Scotland can make alliance with no nation, except Holland, England, or France	314	STAMP duties, proceedings of the Commission on	127, 137, 144, 147
— With Holland no advantageous alliance	314	— Article X. of Union respecting, as settled by the Commissioners	380
— With England, no profitable friendship	314	— Proceed-	
— Few advantages to be reaped from France, without an offensive and defensive league	314		

	Page.		Page.
Proceedings in the Parliament of Scotland, on Art. X. - - -	295, 388	TOLERATION cannot be imposed on the church of Scotland - - -	23
Art. X. as settled by the Parliament of Scotland - - -	532	The difference between it in England and Scotland - - -	30
Art. X. as exemplified in England - - -	549	TORY and WHIG. Characters of both - - -	321
STUART WALTER, a Commissioner of Linlithgow, protests against the 22d Article - - -	460	TRADE. England and Scotland oppose each other in - - -	81
This protest protested against by the Earl of Marchmont and others - - -	463	Laws of, to be the same in Scotland as England - - -	148
Agreed, that these protests shall not be entered in the minutes, but inserted in the records - - -	465	Rights of Companies to be reserved - - -	169
SUCCESSION. The difficulties in settling it, tend to prevent a Union proposed in 1702 - - -	73	Article IV. and VI. of Union respecting, as settled by the Commissioners - - -	199
To the Crown, after William III. account of settling it - - -	73	Proceedings in the Parliament of Scotland on the 4th and 6th Articles - - -	292, 365, 367, 373, 375, 397, 399
Difficulties in settling it - - -	84	Observations on the proceeding on Article 6th - - -	373, 375
Opposed by parties in both countries - - -	95	First report of the Committee, on Article VI. - - -	398
Limitations opposed by secret influence - - -	99	Observations on the report - - -	398
Handles against the Succession; 1. Strength of party, on general dislike, and dishonourable; 2. To load it with ridiculous amendments - - -	99	2d, 3d, and 4th reports - - -	400
Proceedings of the Commissioners on - - -	116, 119	Observations on the reports - - -	401
Art. II. of Union respecting, as settled by the Commissioners - - -	197	5th, 6th, and 7th reports - - -	403
Proceedings in the Parliament of Scotland, on Art. II. - - -	292, 344, 345	Observations on the proceedings on the reports - - -	405
Earl Marischal and others protest against Art. II. - - -	345	Private rights that affected the trade of either kingdom to be purchased - - -	405
Lord Beilhaven's speech on - - -	347	8th and 9th reports - - -	410
Observation on Lord Beilhaven's speech - - -	351	Article V. approved - - -	412
Art. II. as settled by the Parliament of Scotland - - -	528	State of between Scotland and France - - -	413
Art. II. as exemplified in England - - -	545	State of between Scotland and England - - -	414
SUPERIORITIES, or Vassalage, observations on the proceedings on - - -	458	Trade of Scotland greatly advanced in the first year after the Union - - -	415
Explained, what they are - - -	458	Article VI. as settled by the Parliament of Scotland - - -	539
The ill effects of - - -	459	Article VI. as exemplified in England - - -	546
SURGEONS and Apothecaries, Proceeding on an overture of an act respecting them - - -	509, 520	Of Scotland; the alteration it suffered by the Union - - -	602
Royal College of Physicians petition against the act - - -	520	Proceedings of the Commissioners of Union of James I. respecting the trade of both kingdoms - - -	719
SUTHERLAND, Earl of, claims to be first Earl of Scotland - - -	288	Copy of a paper of the Scotch Commissioners for adjusting the trade between the two kingdoms, Jan. 21, 1667 - - -	715
T. - - -		TRINITY, blasphemed by enthusiasts in Scotland - - -	21
TAXES. Proceedings of the Commissioners on an equality of - - -	120	U. - - -	
History of in Scotland since the Restoration - - -	132	UNION OF THE CROWNS. Decay of trade, removing the concourse of strangers, exporting their ready money, emptying the nation of their inhabitants, bringing Scotland under English influence, politically though not legally under the management of the English Court, and other bad effects of a partial Union - - -	59
Some paid in England, impracticable to be paid in Scotland, quotas to be settled by Parliament - - -	148		
Disputes subsequent to the Union on - - -	67		
TEST. Difficulties on account of the Test - - -	340		
Second attempt to exempt the Scotch from it - - -	447		

UNION OF THE KINGDOMS OF ENGLAND
AND SCOTLAND.

INTRODUCTION.

	Page.
The first Parliament sits with applause	1
Endangered by the French invasion	2
Strengthened by the French invasion, causing unanimity in defence of the Union	11
State of religion in Scotland at the Union	16
Case of the drawbacks on salt fish exported from Scotland, from the time of making the Act of Union to the 1st of May	31

UNION OF THE KINGDOMS.

THE ORIGIN OF IT TRACED OUT	33
The strange opposition made to it	34
The first coalition with Edw. I.	36
First project of a Union in the same reign	36
Always the wish of both nations	38
Projected through a marriage between the son of Edw. I. and Margaret of Norway	38
Advantages from that marriage	39
Both nations see the advantages of a Union, and not the act of a few overawed by the king	40
An end put to the Union by the death of Margaret	42
Dismal consequences of this disappointment	42
Again attempted by the marriage of James IV. of Scotland, and Margaret daughter of Henry VII.	46
And again, by a proposal of Henry VIII. for James V. to marry the Princess Mary	47
This match prevented by French and Popish councils	48
Henry VIII. makes another proposal of a match between his son Edward and a daughter of James	48
Renewed by the council	49
Broke off by the French and Popish parties	49
Proposed in 1604, by James I. at which time Commissioners were appointed, with their names	51
Articles were agreed on by the Commissioners, who present them to the King, who offers them to the Parliament, which sends them to the common law, where they are lost	52
Nothing more done till 1660	53
Commissioners appointed for settling commerce, 1666	53
A Union proposed to both Parliaments, in 1667, but nothing done in it	53

	Page.
Re-assumed in 1670	53
Transcript of the Treaty	54
Preliminary Articles	57
Articles of the Union	57
Proceedings of the Commissioners on the Articles	57
Commissioners adjourned, Nov. 8, 1670, and never met more	62
Obstructions to former Treaties of Union, the death of the Maid of Norway, Popery, French interest, home tyranny and court intrigues	62
The opinion of Will. III. on an Union	64
Occurrences which tended to prevent a Union proposed in 1702	65
Viz. the settling an African or Indian Company in Scotland	65
The affair of Glenco	68
Difficulties about the succession and limitations	73
The seizing the ship Worcester, execution of Capt. Green and three of the crew	78
The Act of Security	83
A crisis in which we must either fight with the Scotch, or unite with them	91
The Ministry conclude to grant the Scotch what they ought to have, and to gain of them what they ought to grant	91

UNION OF THE KINGDOMS, THE LAST
TREATY.

Care is taken to remove all obstacles	94
A concurring Providence assists in bringing it about	95
Committee of Parliament appointed to examine the exports and imports between England and Scotland	96
The Queen proposes to the Scots Parliament to revive the Treaty of Union; who refuse to treat until the act to prevent the dangers of the Act of Security is repealed, and which is repealed	97
Inclination to Union, universal	97
Obstacles to the Union from the nobility	98
Becomes popular by the joining of the two Whig parties	99
Scribblers harrahs the world with their schemes, in which they consider the advantages to the nation to which they belong	100
General retribution in a Treaty of Union, like a man giving presents to a lady whom he desires to make his wife	101
Mistake in looking for partial instead of general advantages to one vast united body	101
Brought	

	Page.		Page.
Brought to pass not by gaining from, but by yielding to one another	102	The <i>traiters</i> on the part of Scotland called <i>traitors</i> by the rabble of Edinburgh	120
A beautiful creature, admirable in its con- texture	102	Proceedings on an equality of taxes, &c.	120
A compleat and indissolvable Union must de- pend upon equalities of privileges, and equalities of burdens	102	Committee appointed to consider matters to them referred	121
Oliver Cromwell hit on the only step to fix a Union	103	Committee of England deliver a state of the revenue, income, and debts of England	122
Formed on Oliver's scheme	104	Committee of Scotland deliver a state of the revenue and debts of Scotland	123
Commissioners meet to consider of the me- thod of proceeding	105	Private rights of corporations reserved to be considered	123
Agree to meet apart, and give their resolu- tions in writing	105	Land-tax at 1s. in the pound, 12,000l.	123
Commissioners had only one public confer- ence, and that on the number of representa- tives in Parliament	106	Neither Kingdom to be burthened with debts contracted before the Union	123
Note of the speakers, and arguments on ths conference	106	Customs of England at the Union 1,341,559l. <i>per ann.</i>	123
Commission to the persons appointed for Scotland	106	Excise of England at the Union 947,602l. <i>per ann.</i>	123
Names of the Commissioners for Scot- land	108, 113	Customs of Scotland, let at 30,000l. <i>per ann.</i>	124
Commission to the persons appointed for England	110	Excise of Scotland, let at 35,000l. <i>per ann.</i>	124
Names of the Commissioners	110, 113	Revenue of Scotland not appropriated to pay any debt	124
The Lord Keeper of the Great Seal of Eng- land, his speech on opening the com- missions	114	Difficulties on account of the national debts	124
The Earl of Seafield's speech on the part of Scotland	115	Necessity of a scale of equalities	124
PROCEEDINGS OF THE COMMISSIONERS.		Proceedings for regulation of Excise	125
Articles of Preliminaries	115	Difficulties in fixing a fair land tax	129
England and Scotland to be united under the name of Great Britain	116	Proceedings on stamp duties	137, 144
Proceedings of the Commissioners on the suc- cession	116	The duties on salt 127, 138, 144, 147, 152, 155, 162, 167, 169, 172	
The Commissioners of Scotland give in pro- posals to partial, rather than a general Union, which the English Commons re- fuse to treat on, insisting on a general Union	116	On the duty on windows	127
Observation on the minutes of the three first days	117	On the duty on coal and culm	127, 144
The Scotch Commissioners agree to the name of Great Britain, to the representation by one Parliament, and to the succession in the Princess Sophia and her heirs, being Protestants, and a full Union of Trade, &c.	119.	On the duty on malt	127
A Committee for revising the minutes ap- pointed	119.	On the duty on cinders	138, 144, 147
		The Queen's speech to the Commissioners, May 21, 1706	139
		Some taxes paid in England, impracticable to be paid in Scotland	140
		Quota of future taxes to be settled by Parlia- ment	147
		Laws of Trade, Customs, and Excise, to be the same in Scotland, as England	148
		Other laws of Scotland to be in force, but alterable by Parliament	148
		Laws of private right in Scotland to remain, except in cases of evident utility	148
		Courts of judicature and judiciary to remain as before the Union	148
		No causes in the Kingdom of Scotland to be cognizable in the courts of England	149
		A Court of Exchequer to be erected in Scot- land	149
		Rights	

	Page.		Page.
Rights of Royal boroughs to remain	149	The crosses of St. Andrew and St. George	
Admiralty jurisdiction to be under the Lord		to be joined in flags, &c.	183, 185, 186
High Admiral of Great Britain	155, 156	Privy seal, signet, and other seals, to be con-	
Commons of England propose 38 members		tinued, but altered to suit the Union	181,
to be sent from Scotland to the House of			184, 186
Commons	156	An estimate of what the revenue of Scotland	
Court of Admiralty, for private right, to be		may produce after the Union,	216,000 <i>l</i> .
continued in Scotland	157		188
Commons of Scotland wish for a greater		An account of the value of the annual sums	
number of representatives, and propose a		contributed out of the customs of Scotland,	
conference on the subject	157	according to the present produce, towards	
Scheme respecting right of appeal in private		the anticipated funds of the Customs of	
cases	162	England	189
Commons of England propose 45 repre- sentatives in the Commons, and 16 in the		And of the Excise	190
Lords, which is agreed to by the Com- mons of Scotland	163	The Union to take place May 1, 1707	191
Observation on the proceedings for uniting the Parliament	164	Oaths and declarations to be made and taken by the representatives	192
Peers of Scotland to be esteemed Peers of Great Britain	166	The Articles of Union signed by the Com- missioners July 22, 1706	194
Proceedings on the privileges of the Peers of Scotland	167, 170, 172	Articles of Union presented to the Queen, and the commission closed, July 23, 1706	194
Proceedings on the coinage	167, 168, 184, 189	Speeches of the Commissioners to the Queen	194
On weights and measures	167, 168, 184	The Queen's answer	196
Rights of corporations and companies to be reserved	169	The Articles of Union, as concluded by the Commissioners at London	197
Proceedings for the regulations of ships	169, 171, 172, 184	Article I. Name and standards	197
To be only one Great-seal, but the seal of Scotland to be made use of in matters of private right and justice	171, 181, 184	II. Succession	197
Proceedings respecting the packing of her- rings, white fish and salmon	171, 180	III. To be represented by one Parliament	198
Observation on the proceedings on the pri- vileges of the Peers	173	IV. Full freedom and intercourse of Trade and Navigation	198
Observation on the proceedings for the re- gulation of shipping	175, 180	V. Ships of Scotland	198
Proceedings for adjusting the equivalent	175, 176, 182, 185, 186, 187	VI. Encouragements and restrictions on trade, with the customs and duties to be the same in both countries	199
Objections to the African Company by the Commons of England, who offer to regard the losses, &c.	176	VII. Excise to be the same in both countries	199
Out of the equivalent allowed to Scotland, the debts of Scotland to be paid, the fund of the African Company discharged, the loss on the coin to be made good, and the surplus applied to the encouragement of fisheries, manufactures, &c.	177	VIII. Salt duties and export of fish, &c.	199
The Queen's speech to the Commissioners, June 26	180	IX. Land Tax	200
Four Commissioners appointed to draw up the Articles agreed on	180, 183	X. Stamp Duties	200
		XI. Window duties	200
		XII. Coal, Culm, and Cinder duties	200
		XIII. Malt duty	200
		XIV. No former duties laid by the part of England to extend to Scotland except provided for in the Articles, but to pay all future duties	200
		XV. Equivalent	201
		XVI. Coin	203
		XVII. Weights and Measures	203
		XVIII. Laws of Trade, Customs, and Ex- cite	203
		5 F 2	XIX.

	Page.		Page.
XIX. Court of Session and College of Justice	204	The Articles read over one by one and debated on	224
XX. Heretable offices, &c.	205	Innumerable pamphlets published against it	225
XXI. Privileges of Royal boroughs	205	A general cry of "No Union," and the <i>treaters</i> called <i>traitors</i>	226
XXII. Representatives to be sent to the Lords and Commons	205	The various parties join in opposing the Union as a common evil	227
XXIII. Privileges of the Peers	207	Proceedings without doors against the Union	230
XXIV. Great Seal and other seals	207	Endeavours to procure an adjournment on the pretence of consulting their constituents	230
XXV. All laws, contrary to the terms of the Union, to be repealed	208	Several boroughs wrote letters to their representatives, requiring them not to vote for the Union	231
PROGRESS OF THE TREATY IN SCOTLAND	209	Public Addresses to Parliament for the same purpose	231
No part taken by those who had no great concern for the good of their country, and by those who had supposed it would be lost in Parliament	209	"No incorporating Union," was the word	232
Opposed by pretending to amend what they meant to dest oy	210	A string of Addresses against an incorporating Union	233
Sixteen days spent in reading the Articles and discoursing on them	210	A public fast proposed, and by some objected to	233
Moved that the Parliament now proceed to approve them or not	210	A public fast appointed by the Church	235
Moved the further consideration be postponed, that the sentiments of the Parliament of England, and of their constituents might be known	210	The Union opposed by the Dukes of Hamilton and Athol	236
Both motions lost	210	The High Commissioner insulted	236
The opponents endeavour to clog the bill with things impossible for the Parliament of England to pass	211	Sir Patrick Johnston ill-treated by the mob	237
The prudent conduct of the Duke of Queensberry, her Majesty's High Commissioner	212	Members of Parliament grossly insulted, their windows broken, &c.	238
The Queen's letter to the Parliament of Scotland at opening of the session	214	Edinburgh delivered from the terror of a mob, by the appearance of the guards	238
Duke of Queensberry's speech at the opening of the session	215	Pleas for and against bringing in the guards	240
Earl of Seafield's speech	216	False reports of various parts of the country being in arms	241
The Treaty ordered to be printed	218	Affairs of the Church left to be settled by the Parliament of each country	243
Opposed by four parties; 1. The professed Jacobite party; 2. The Episcopal party; 3. A mistaken people; 4. Those who opposed it upon political enigma, &c. who stir up all other parties to opposition	219	Those who had least regard for the Church, made the most noise respecting its safety	244
A general alarm in Scotland against the Treaty. The poor for taxes and want of employment: the merchants for excessive customs, every thing being left to the disposal of a British Parliament: Episcopacy: and lastly, as a breach of the Covenant and Solemn League	221	Convention of Royal Boroughs address Parliament against the Union	244
Mr. Hodges writes a large book against it, containing the most palpable untruths	223	How far the Covenant was against it	248
		Opposed by the Cameronians	249
		The Articles, with the names of the Commissioners, burnt by about 200 Cameronians at Dumfries, who also fix a seditious paper on the Cross	250
		Their numbers exaggerated to 6,000, 7,000, or even 10,000	250
		The paper printed at Edinburgh	250
		The	

	Page.		Page.
The Cameronians after this behave with great calmness and discretion	251	Account of the Glasgow rabble	266
The Articles again read, to be voted on	252	They sign a mob address	270
The first Article voted and approved November 4, which had been twice a day of happiness to this kingdom, by the birth of Will. III. and the day on which he landed at Torbay	253, 333	The little respect which ought to be paid to such addresses	270
The Articles disputed article by article, clause by clause, and word by word	254	The second Glasgow rabble	271
Amendments made by the Parliament of Scotland	254	Finlay, a Jacobite, becomes their leader	274
The opponents endeavour to introduce alterations, which could not have been reconciled, and must have overthrown the Treaty	254	Marches at the head of 45 men, to meet other discontents at Hamilton	275
Attempts to make the Church a tool for opposing it	255	Return to Glasgow and is seized by the Queen's troops	279
Commissioners of Assembly address against the Union	255	Underhand proceedings of the opponents to the Union	281
An act for the security of the Church, read and ordered to be printed	255	Tumults were raised under pretence of exercising the sensible men	281
Endeavours are made to persuade the people, that the act is not a sufficient security to the Church	255	The Parliament of Scotland pass an act and proclamation against it	282
Some of the Commissioners in the Committee withdrew themselves on account of the warmth of some of the ministers	256	The affairs of the English debts stated	283
Difficulties debated on in the Committee	256		
Objections to the Bishops sitting in the British Parliament	257	PROCEEDINGS IN THE PARLIAMENT OF SCOTLAND, MET OCT. 3, 1706	285
Proceedings on a second address from the Commissioners to Parliament	257	Duke of Queensberry appointed to represent the Queen	285
Protest against the second Address	258	Several Lords take the Oath of Allegiance	286
The protest recorded with answers to it	258	Articles of Union ordered to be read	286
The Act of Security voted	259	Ordered, the minutes of the proceedings of the Commissioners be printed	286
Letters and addresses from various parts of the country sent to the Commissioners	260	Reasons for and against printing the Articles	287
Various attempts to make the Commissioners protest against the Union, but in vain	260	Articles of Union again read, Oct. 12	288
The prudence of Wishart, Moderator of the Assembly and Commissioner	260	Objection against the second reading; consulting constituents	289
The disputes kept from the pulpit	263	A proposal for a general reading, but adjourned	289
Country tumults against it, which tend to open the eyes of the opposers, who in the end choose rather to agree to the Union, than to the admission of civil war and Popish or tyrannical powers	264	Motion for postponing the consideration for eight days, but thrown out	290
The ease with which the common people are imposed on and persuaded to join in a mob	265	First article read, Oct. 15, and adjourned	290
		The address of the Commissioners of the General Assembly read, and promised to be considered before the vote on the Treaty	292
		The second Article read, Oct. 17	292
		Articles 3, 4, 5, 6, 7, 8, read the same day	293
		Observation on the proceedings on the Articles	293
		Articles 9, 10, 11, 13, 14, 15, read and discoursed on	295
		Observation on the proceedings on the above articles	295
		Articles 16, 17, 18, read, and discoursed on	297
		Observations on the proceedings on the above articles	297

	Page.
A committee appointed to consult on the equivalent	297
Article 11, again read, Oct. 23	298
Observations on the proceeding of Oct. 23	299
Great tumults, both in the street and in Parliament	299
Great uneasinesses raised on account of the duties on salt and beer	300
Guards brought to Edinburgh, and a proclamation issued against tumultuary meetings, by order of the Privy Council	301
These proceedings approved by Parliament	301
Name of protestors, against these proceedings	301
Observations on these proceedings	302
Article 18 again read, also articles 19, 20, 21, read	305
The same articles read, also articles 22, 23	305
Articles 22, 23, again read, Oct. 25, also articles 24, 25	305
Moved and carried Nov. 1, to proceed on the articles	306
Moved also to be adjourned, until the sense of the nation be known; the motion lost	306
Addresses against the Union, from Mid Lothian, Linlithgow, and Perthshire	307
Observations on these proceedings	307
Motions and debates before voting on the first article, Nov. 2.	309
Observations on the above proceedings	310
The plea of settling the Church, made both by the enemies of the Church and opponents of the Union	310
The speech of Mr. Seton of Pitmedden, one of the Commissioners before the Articles are voted for, in which he shews the advantages and disadvantages of the Union, (for particulars, see <i>Seton</i>)	312
Lord Beilhaven's famous speech against it (for particulars, see <i>Beilhaven</i>)	317
Sterling, Dumbarton, Linlithgow, Dunkeld and Dyfert, address against an incorporating Union	329
Proceedings in the Parliament of Scotland on the first article, Nov. 4.	329
Duke of Athol and many others protest against the Union	330
The first article voted	331
Names of those who voted for and against, ordered to be printed	331
Observations on the design of procuring ad-	

	Page.
resses, and on the addresses themselves	331
Counter addresses thought of, but, as it would have been a kind of paining the nation, laid aside	331
Some counter addresses signed, but never presented	332
Struggles against it, now made in Parliament only	332
Many objections raised, which were not grounded on fact	332
A federal Union offered for the purpose of throwing out the general Union	332
Proceeding in the Parliament of Scotland on the Act of Security, 334, 335, 337, 339	
The Lord Chancellor desires his name to be recorded among those who voted for the Union	334
Commissioners of the royal burghs, Renfrew, Fife, Falkland, and Hamilton, address against the Union	334
Representation and petition of the commission of the General Assembly of the Church presented	335
Addresses from Tulliallan, Dumferling Borrowstouness, Blantyre, and Ancendale, against the Union	335
Supply of eight months granted for the Queen	335
Observations on the representation and petition	336
Observations on passing the supply	336
Forfar, Camburnethan, Camburlang, Kilbryde, Bothwel, and Old Munkland, address against the Union	337
Insufficiency of the Act of Security, made a plea against the Union	338
Crail, Easter Munkland, Shotts, Dalserf Stenhouse, a body of people in the South and Western Isles, and Kircudbright, address against the Union	339
Lord Beilhaven and others, protest against the Act of Security	339
Names of the protestors	339
Names of those who voted for and against the Act of Security, to be printed	340
Observations on the proceedings on the Act of security	340
Colleges of Scotland secured by the act	340,
Difficulties on account of the Test	340
The Lord Chancellor desired to have his name printed with those who voted for the Act of Security	343

	Page.		Page.
Covington, Carstairs, Lymontoun, Liberton, Quothquan, Dunfyre, Rutherglen, Carriwarth, and Lanerk, address against the Union	344	and 5th Articles	368, 370
Proceedings on Article II.	344, 345	Glasgow, Culroess, Salino, Carnock, Torrie, Sterling, Annandale, Innerkeithing, address against the Union.	368
Representation and petition of the general Assembly, on the increase of Popery, &c.	345	The opposers of the Union had proposed objections to be made in the Parliament of England, to the alterations they had caused to be made in the Parliament of Scotland	371
Glasgow, Gorbels, Biggar, Lanerk, address against the Union	345	Roxburgh, Annau, Lochmabban, Lefinaghago, address against the Union	373
Earl Marischal and others protest against the second article	346	Proceedings on the sixth Article	373, 375, 397, 399
Names of the protestors	346	Observations on the proceedings on the sixth Article	373, 375,
Lord Chancellor allowed to have his name printed with those who approve of Art. II.	347	Acts presented from various places for the continuance of duties for various private purposes, as repairing bridges, harbours, &c.	372
Compared with Satan's deceiving Eve	348	Observations on these acts	374
Observation on Lord Beilhaven's speech	351	Mid-Lothian address against the Union	375
Kirkcudbright, Crawford, Crawford-John, Couper in Fife, and Lanerk, address against the Union	353	Proceedings on the seventh Article	376, 378, 385, 388
Marquis of Annandale and others, protest against the third article	354	St. Ninian and Dunbar address against the Union	377
Names of the protestors	355	Observations on the proceedings on the seventh Article	378, 385
Observation on the proceedings on the third article	355	Calculations respecting the Excise on beer	380
Arguments for and against a union of Parliament	356	Proceedings in Parliament respecting the Glasgow rabble	382
Speech of Mr. Seton, junior, in favour of the third article	360	Observations on the proceedings	383
Fundamentals of Government alterable by the supreme power of a nation	361	That part of the Act of Security repealed which authorized the arming and disciplining the sensible men, with observations on these proceedings.	383, 385
Sovereignty and independency of Scotland, surrendered to the French by treaty April 4, 1554, and again to the English at the Union of the Crowns, will be restored by this Union	362	Air and Burnt-Island address against the Union	385
Objections against the number of members in Parliament removed	362	Proceedings on the 8th Article	386, 388
Complaint made to Parliament of the High Commissioner being ill-treated by the mob, and enquiry referred to the Committee on the Equivalent	364	Observations on the proceedings on the 8th Article	387, 388
St. Andrews addresses against the Union	365	Air, Glenkens, and New Galloway, address against the Union	387
Proceedings on the fourth Article	365, 367	Proceedings on the 9th Article	388
Observations on the tumult, in which the Lord Commissioner was ill-treated	365	Proceedings on the 10, 11th, 12th, and 13th Articles	388
Paisley addresses against the Union	367	Proceedings on the 14th Article	388, 389, 391
Proceedings on the 5th Article	365, 367	Observations on the proceedings	388, 389, 391
Proceedings on the 5th Article,	369	Report of the Committee of equivalent	393
Observations on the proceedings on the 4th		Proceedings on the 15th Article	393
		Lord	

	Page.		Page
Lord Beilhaven and others' protest against the proceedings on this Article	394	Seven or eight ships sent to the English plantations in the first year	415
Names of the Protestors	394	Three or four ships return with wines from Italy and Portugal, in return for fish	415
Observations on the proceedings	394	In the open trade with France used to pay a balance of 100,000l.	415
Equivalent not understood in Scotland	396	In the trade with England Scotland will receive 200,000l.	415
National Debt of England at the Union 20 millions	397	Reports of the Committee on the 8th Article	416
Douglas, Carmichael, and Pirie, address against the Union	397	Observations on the reports	417
Report of the Committee on the sixth Article	398	Lowder, Chainhillkirk, and Calder, address against the Union	418
Observations on the report	398	Proceedings on the drawback on salt-fish	420
Dumblain, Hamilton, Caputh, Lethendy, Alyth, Kinlock, Errol, Kilspendie, Kinmark, Inchture, Longforgan, St. Madoes, Kinfauns, Locht, Airth, Larbert, Dunpace, and Deny, address against the Union	399	Observations on the proceedings	420
Second, 3d, and 4th reports of the Committee on the 6th Article	400	Proceedings on the drawbacks on salt beef and pork	421, 423
Observations on the reports of the Committee	401	Observations on the proceedings	421, 423
Queries to the Presbyterian Noblemen, &c. ordered to be burnt by the common hangman	402	Mayboll, Kirkmichael, Gervan, Kirkcald, Barr, and Carrick, address against the Union	425
Fifth, 6th, and 7th reports of the Committee on the 6th Article	403	The Duke of Athol and others protest against the 8th Article	426
Proceedings on the 5th, 6th, and 7th reports	403	Names of the protestors	426
Observations on the proceedings	405	Observations on the proceedings	427
Private rights that affected the trade of either kingdoms to be purchased	405	Proceedings on the 15th Article	430, 438
Berwick addresses against the Union	410	Observations on the proceedings	431, 440
A print on the dependency of the Crown ordered to be burnt by the hangman	410	Mr. Baron Clerk's opinion on the 15th Article	432
The 9th report of the Committee on the 6th article	410	Letters are written to the Addressers in every part of Scotland, desiring them to assemble at Edinburgh, on pretence of waiting the effects of their addresses, with the proceedings of Parliament thereon	435
The 6th Article approved	412	A proclamation against the addressers coming to Edinburgh	435
Proceedings on the 8th Article	412, 416, 418, 419, 421, 423, 425, 430	Protest against some part of the proclamation	436
Observations on the proceedings on the 6th and 8th Articles	412	Observations on these proceedings	436
State of the trade between Scotland and France	413	Only three Presbyteries in the whole kingdom addressed, viz. Lanerk, Hamilton, and Dumblain	438
State of the trade between Scotland and England	414	Proceedings on the 16th Article	444
The Scotch linens advanced 2d. an ell in the first year after the Union	414	Proceedings on the 17th Article	445
1,420,000 bolls of corn exported in the first year after the Union	415	Proceedings on the 18th Article	445, 450
		Proceedings on the 19th Article	445, 448
		Observations on these proceedings	451
			Abercorn

	Page.		Page.
Abercorn, Earl of, protests against part of the 18th Article	450	of the privileges claimed for the Duke of Douglas	478
Aberdeen, Kincardine, Stonehaven, and Peterhead, address against a Union	456	Act for security passed	477
Proceedings on the 20th Article	456	OF THE ACT OF RATIFICATION AFTER IT WAS PAST THE PARLIAMENT OF SCOTLAND TILL THE EXEMPLIFICATION OF IT BY THE PARLIAMENT OF ENGLAND	481
Proceedings on the 21st Article	456		
Proceedings on the 22d Article	457, 460, 463, 464, 467	Successes abroad tended much to the accomplishment of the Union	481
Six different protests against the 22d Article, viz. Duke of Athol, Earl of Buchan, George Lockhart, of Carnwath, Walter Stuart, Earl of Errol Lord High Constable, and Earl Marischal	460	Discouragements to the enemies of the Union	482
Names who adhere to the Earl of Buchan's protest	461	Reasons why the French might wish to prevent it	482
Names of those who adhered to the Duke of Athol's protest	461	The English Parliament met Dec. 3, 1706	482
Earl of Abercorn's protest against part of the 22d Article	462	The Queen's speech to her Parliament	483
Observations on the proceedings on the 22d Article	462	Extraordinary disposition of England for the Union	484
Earl of Marchmont and others protest against the four protests of the Duke of Athol, the Earl of Buchan, G. Lockhart, and Walter Stuart	463	The treaty read in the House of Commons of England Jan. 22	484
Names of the counter-protestors	463	Each Article read and voted singly in a Committee of the whole House	484
Lord Balmerino, and others, protest against the counter-protest	464	Some opposition to it in general in the Lords, but no amendment offered	484
Names of those who joined Lord Balmerino his protest	464	Some protests against it in the Lords	484
Agreed that none of these protests be inserted in the minutes, but entered in the records	465	An Act of security for the church of England prepared by the Bishops	484
Observations on these proceedings	466	The Act passed both Houses on the 4th of March, and the Queen passed it on the 6th	485
Perth addresses against a Union	467	The Queen's speech at passing the Act of Union	486
Proceedings on the 23d Article	470	The original treaty lodged in the Tower, and an exemplification of it under the Great Seal sent to Scotland	487
Observations on the proceedings	471	MINUTES OF THE PARLIAMENT OF SCOTLAND CONTINUED	487
Proceedings on the 24th Article	474	Proceedings on a motion to insert the petitionary part of the representations of the General Assembly in the minutes, rejected	487
Lyon King at Arms gives in a memorial on the 24th Article	474	Proceedings on choosing the first Representatives	488, 489, 492, 493
The 25th Article approved	474	Observations on the proceedings	488
Observations on these proceedings	475	The Duke of Hamilton and others protest against the proceedings	489
The Articles debated from Oct. 3, to Jan. 14, when they were all approved of	475	William Cockran, of Kilmarnock, also protests	490
Draught of an Act for ratifying the Union, given in	476	Adherents to both protests	490
With proceedings thereon	476, 477, 479	Observations on the proceedings	491
Observations on the proceedings	476	5 G	Earl
Protest for the Duke of Douglas, for privileges which he claimed	478		
Duke of Hamilton's protest claiming some			

	Page.		Page.
Earl of Cromarty protests in favour of the shire of Cromarty	493	An exact copy of the Act of Ratification, with the Articles at large	527
Thirty Representatives to be chosen by the Barons, and 15 by the Counties	493	Copy of the exemplification under the Great Seal of England, as transmitted to the Parliament of Scotland	543
Proceedings respecting persons eligible	494	TRANSACTIONS SUBSEQUENT TO THE UNION	675
Observations on the proceedings	495	Disputes on the 4th Article on taxes, customs, prohibitions, &c.	567
Proceeding respecting the representation and manner of election	497, 504	Between the passing of the Act and the Union, the Scotch merchants import great quantities of wines, brandies, salt, &c. on the low Scotch Duties, in hopes of sending them to England after the Union Duty-free	568
James Sinclair's protest respecting the representation for the shire of Caithness	497	The English merchants send quantities of goods, particularly tobacco, to Scotland, and receive the drawback of Duties, in hopes of returning them to England Duty-free	568
Moved that the Commissioners have their expences allowed them, with the sums allowed to each, and the money to be paid out of the equivalent	499	Proceedings in the Parliament of England to remedy these abuses	569
Allowance made also to the Commissioners of 1702, for their expences	500	An Act passed the Commons, but rejected by the Lords, on a want of power before the Union took place, to pass such an Act	570
Proceedings on a motion against allowing expences to the Representatives of Scotland	500, 501	These wines and brandies are sent to London in about 40 ships, which are all seized by the officers of the Customs on their arrival in the Thames	572
Observations on the proceedings	500	The opinion of the judges taken, who vary much	573
Peers to vote by proxy	502	The merchants permitted to land the goods on giving security to abide the judgment of the British Parliament; those who do not comply with it have their goods, on being served with a writ of <i>Devenirunt</i> out of the Exchequer	573
Observations on the proceedings	502	All prosecutions stopped by a vote of the Commons	573
Proceedings on the manner of elections, on the plantation of Kirks, proclamation respecting coin, and the Act against Popery	504	Proceedings on settling the State of the nation after the Union, viz. the Customs, Excise, the Equivalent, Petty Justice, the Forces, and the Coin	574
Observations on the proceedings	504	Public affairs left to the Privy Council	574
The election of the first Representatives of Scotland by Parliament, with the names of the Peers and Commons elected	507	The Foot-Guards of Scotland received as English Guards, the command given to the Marquis of Lothian and clothed after the English manner	574
Observations on the proceedings	508	Proceedings on settling the Customs and Excise	575
Proceedings on the sum to be allowed to the African Company	511, 512, 513, 517	Public clamours against seizures	582
Report of the Committee	513	Difficulties	
The sum settled to be allowed to the African Company 232,884 <i>l.</i> 5 <i>s.</i> 0 <i>3d.</i>	517		
Orders respecting the payment	518		
Proceedings on the coin	520		
Observations on the proceedings	521		
The exemplification of the treaty read before the Parliament of Scotland, with the Lord Commissioner's speech on the occasion	522		
Observations on the proceedings	523		
Several petitions respecting private rights	524		
Some of the petitioners, and others, recommended to her Majesty	525		
Some of the private Acts passed	526		
Closure of the Parliament of Scotland, with her Majesty's High Commissioner's speech	526		

	Page.
Difficulties respecting the Excise on beer	583
Names of the Commissioners of Excise	585
Difficulties in settling the equivalent	585
The African Company fully paid	592
Proceedings for the settlement of justice in Scotland	592
Privy Council of Scotland dissolved by the Parliament of Great Britain	594
An Act passed for rendering the Union more compact	594
Alterations in the criminal process	595
Proceedings for the reform of coin in Scotland	596
Proceedings for the reform of weights and measures	599
Alterations on the constitution of Scotland summed up	600
Alterations on the laws	601
Alterations on the trade	602

APPENDIX.

Order of the Commissioners of General Assembly for a day of prayer and supplication, N° A x.	606
Act of the Commissioners concerning solemn prayer and humiliation	607
Petition of the Commissioners of the General Assembly to the Duke of Queensberry, N° B x.	608
Proclamation against tumults and rabbles, N° C x.	610
Address of the General Convention of the Royal boroughs to the Lord High Commissioners, N° D x.	613
Reasons [of the Glasgow rabble] for burning the Articles, &c. N° E x.	614
Overture of an Act for the security of the church, N° F x.	616
Representation and petition of the Commission of the General Assembly to the Duke of Queensberry, N° G x.	618
Reasons of W. Wishart against the representation and petition, N° H x.	620
Modest animadversions on the reasons, &c.	623
Representations and petitions of the Commission of the General Assembly to the High Commissioner, N° K x.	625
Address of the Presbytery of Dunblane to Parliament, N° L x.	626

	Page.
Address of the Barons, &c. of Kirkenbright, N° M x.	627
Address of the Presbytery of Hamilton, N° N x.	627
Letter from the Commission of the General Assembly to the Presbytery of Hamilton, N° O x.	629
Answer of the Presbytery of Hamilton, N° P x.	630
Address of the Burgh of New Galloway, N° Q x.	631
Address of the Magistrates, &c. of Dumfermling, N° R x.	632
A state of the revenues and public income of England, 5,691,803 <i>l.</i> 3 <i>s.</i> 4½ <i>d.</i> N° S x.	636
A state of the debts of England, 17,763,842 <i>l.</i> 17 <i>s.</i> 3½ <i>d.</i> N° T x.	641
A state of the public revenue of Scotland, 160,000 <i>l.</i> N° U x.	645
Debts due to the Army, Civil List, and other charges of Government, about 160,000 <i>l.</i>	645
Net annual produce of the Customs in England, 1,341,559 <i>l.</i> W x.	646
Duties on coals 110,958 <i>l.</i>	648
Proportions of the present Customs of Scotland with those of England, N° X x.	648
Net annual produce of the Excise on beer and ale in England 677,765 <i>l.</i>	651
Proportions of the present Excise upon liquors in Scotland with those in England N° Y x.	651
Proportion of the increase of the Customs and Excise of Scotland according to the stating of the equivalent, Z x.	652
Overture concerning the debts of the African Indian Company, N° A x x.	654
A proclamation against all tumultuary and irregular meetings, and convocations of the Liedges, N° B x x.	658
Memorandums for the Honourable estates of Parliament, N° C x x.	660
Act against all musters and rendezvous during the present sitting of Parliament, N° D x x.	661
List of those who voted for and against the first Article of the Union, N° F x x.	622
List of voters for and against the proclamation discharging unwarrantable and seditious convocations, E x x.	666
Threatening	

	Page.
Threatening letters sent to the Duke of Queensberry in the time of the rabbles, N° G. x x. — —	669
An Act for securing the church of England H x x. — —	673
Act setting the manner of electing the 16 Peers, and 45 Commons, to represent Scotland, N° I x x. — —	672
Protest of George Lockhart, respecting the Peers, N° K x x. — —	676
Protest of the Duke of Athol respecting the Peers and Representatives, N° L x x. — —	676
Protest of the Earl of Buchan respecting the Peers, N° M x x. — —	679
Protest of Walter Stuart respecting the Representatives, N° N x x. — —	679
Dissentients in the House of Peers of England to the Articles of the Union, N° O x x. — —	680
Dissentient to the 9th Article — —	680
Dissentient to the 15th Article — —	681
Dissentient to the 22d Article — —	681
Proceedings and dissentients in the House of Lords of England on the Act of Union — —	683
Petition of the Owners of ships now arrived at London to the convention of Royal boroughs, on their ships and cargoes being seized, N° A 3 — —	683
Address of the Royal boroughs to her Majesty on seizing the ships and cargoes in the Thames which brought in goods, which had not paid Duty, N° B 3. — —	684
The clause proposed in the English Act of Parliament to prevent French goods being imported through Scotland, N° C 3 — —	686
Address of the Scotch merchants at London against passing the bill, N° D 3 — —	687
Observations upon the 4th Article of Union, N° E 3 — —	686
Commission and proclamation naming justices of peace within Scotland N° F 3 — —	692
Copy of her Majesty's Commission to the justices, N° E 3. — —	693
An act for rendering the Union more entire and complete, N° H 3. — —	696
A proclamation concerning English coin N° I 3. — —	699
Proclamation calling in the Scots Crown, old and new, the forty, twenty and ten	

shilling pieces, to be recoined, N° K 3. — —	701
Articles granted to King Edward to perfect the marriage between his son Prince Edward and Margaret Queen of Scots N° 1 — —	702
Copy of the licence of pope Nicholas for a marriage between Edward the son of Edward the 1st. and Margaret of Norway, Queen of Scotland, N° 2 — —	707
Copy of two letters of Edward I. to Eric King of Norway concerning the marriage, N° 3 — —	708
Commission appointing Commissioners on the part of Scotland to treat of the match, N° 4 — —	709
Letter from the King of Norway to Edward I. appointing Commissioners on his part, N° 5 — —	710
Letter of Edward I. on appointing Commissioners to treat of the state of the kingdom, N° 6 — —	711
Copy of the order of Edward I. for the payment of 5000 marks, in arrear to the Pope, for the purpose of inducing him to forward the match between his son and Margaret of Norway, Queen of Scotland, N° 8 — —	713
Two other papers relating to the treaty, N° 9, 10 — —	713
Copy of a paper written by Edward 1st, shewing the advantages which would accrue to Scotland from the match, also promising them a free trade to all the parts of England, paying the usual Duties, N° 11 — —	715
Proceedings of the Commissioners appointed by James I. respecting a Union, N° 12 — —	717
Copy of a paper of the Scots Commissioners for adjusting the trade between the two kingdoms, Jan. 21, 1667 — —	715
Journal of the proceedings of the Commissioners in 1702 — —	728
Lord Keeper's speech, and the Duke of Queensberry's answer, to the Commissioners — —	702, 729
The Queen's letter to the Commissioners — —	730
The Queen's speech to the Commissioners, Dec. 14, 1702 — —	738
The Queen's letter to the Commissioners adjourning them from Feb 3, 1702-3, to Oct. 4. They never met again — —	751

	Page.		Page.
V.		W.	
VASSALAGE. See <i>Superiorities.</i>		WALLACE, Sir William, made Regent of Scotland - - -	46
		— Is overthrown at Falkirk - - -	46
		WEIGHTS and measures regulated in Parliament at the Union - - -	1
		— Proceedings on settling 167, 168, 184, - - -	186
		— Article XVII. Of Union respecting, as settled by the Commissioners - - -	203
		— Proceedings in the Parliament of Scotland in Article XVII - - -	297, 445
		— Article XVII. As settled by the Parliament of Scotland - - -	536
		— Article XVII. As exemplified in England - - -	552
		— Proceeding for a reform of - - -	599
		WHIG and TORY, their characters by Lord Beilhaven - - -	321
		WILLIAM III. his opinion on a Union - - -	64
		— The letter of the convention sent to him - - -	311
		WINDOWS. Proceedings on the Duty on - - -	127
		— Article XI. Of Union respecting, as settled by the Commissioners - - -	200
		— Proceedings in the Parliament of Scotland on Article XI. - - -	295, 388
		WINDOWS. Article XI. As settled by the Parliament of Scotland - - -	532
		— Article XI. As exemplified in England - - -	549
		WISHART WILLIAM moderator of the Assembly and commission, his prudence, patience, and temper - - -	262
		WOOL exported from Scotland to France in great quantities in 1705 - - -	88
		— Proceedings respecting the exporting of it from Scotland - - -	403
		— Observations on the proceedings - - -	406
		— Considerations on taking away the export of - - -	444
		— A confideration of 2000 <i>l.</i> a year to be made out of the equivalent - - -	444
		WORCESTER, an English ship seized in Scotland - - -	78
		— Captain Green, and the crew supposed to have been guilty of piracy and murder - - -	78
		— Captain Green and three of his men hanged, a signal instance of a divine Providence - - -	79
		— The people of Scotland exasperated, fearing a reprieve - - -	80
		— The people of England exasperated at the execution - - -	82
		WRIGHT, Sir Nathan, Lord Keeper deposed - - -	89
		WRITERS in Scotland, something like attorneys in England - - -	449
		WRITERS of the signet, persons by whom all processes must be signed - - -	449
		Z.	
		ZETLAND and Orkneys. Draught of an Act for their dissolution from the Crown in favour of the Earl of Motton presented - - -	453

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